Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43731 of 2020

Applicant :- Aasif
Opposite Party :- State Of U.P.And Another
Counsel for Applicant :- Pankaj Srivastava,Mehendra Kumar Singh
Counsel for Opposite Party :- G.A.

Hon'ble Ajit Singh,J.

Heard learned counsel for the applicant and the learned A.G.A.

This is a bail application on behalf of the applicant Aasif in connection with Case Crime No.0253 of 2020, under Sections 363, 366, 376 I.P.C. & 3/4 POCSO Act & Section 3(2)(5), 3(2)(5A) SC/ST Act, Police Station Gagalhedi, district Saharanpur.

The first information report of this incident was lodged by the complainant against the applicant and two other accused persons. It was further alleged in the first information report that the niece of the complainant was living with him and named accused persons enticed away the niece of the complainant, aged about 15 years.

The submission of learned counsel for the applicant is that the applicant is quite innocent and has been falsely implicated in the present case with the ulterior motive. He submitted that the alleged victim was in consensual relationship with the applicant. He submitted that the alleged victim has not supported the prosecution version in her statement recorded under Section 164 Cr.P.C. She further states that she had gone with the applicant out of her own sweet will. She has specifically states that she is aged about 18 years. He further submitted that the alleged victim has solemnized marriage with the applicant. He submitted that the alleged victim has refused her medical. He submitted that the applicant is languishing in jail since 28.08.2020 and in case, he is released on bail he will not misuse the liberty of bail and will cooperate in the trial.

Learned A.G.A. has opposed the bail plea.

Considering the overall facts and circumstances, the nature of allegations, the gravity of offence, the severity of the punishment, the evidence appearing against the accused, but without expressing any opinion on merits, this Court finds it to be a fit case for bail.

Accordingly, the bail application stands allowed.

Let the applicant **Aasif** involved in the aforesaid crime be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:

i) The applicant shall not tamper with the prosecution evidence.

ii) The applicant shall not threaten or harass the prosecution witnesses;

iii) The applicant shall appear on the date fixed by the trial court;

iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by learned counsel for the applicant along with a self attested identity proof of the said persons (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 14.12.2020

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