

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53775 of 2023

Applicant :- Jai Singh

Opposite Party :- State of U.P. and Others

Counsel for Applicant :- Manish Kumar Kashyap, V.P. Singh Kashyap

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Sri Varun Pratap Singh, learned A.G.A. has informed that the notice to the informant has been served on 06.12.2023.
3. Heard Sri V.P. Singh Kashyap, learned counsel for the applicant, Sri Varun Pratap Singh, learned A.G.A. for the State and perused the material placed on record.
4. Applicant seeks bail in Case Crime No.442 of 2023, under Sections 354, 504, 506 I.P.C., 7/8 POCSO Act and Sections 3(1) DA, 3(1) DHA, 3(2) (VA) SC/ST Act, Police Station Aonla, District Bareilly, during the pendency of trial.
5. As per prosecution story, the applicant is stated to have caught hold of the daughter of the informant and outraged her modesty. On her objecting to it, he is stated to have even hurled and made remarks pertaining to her caste on 05.09.2023 at about 7:30 p.m.
6. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. He has been put to double jeopardy by the instant FIR as already he was booked under Sections 151/107 and 116 Cr.P.C. on 06.09.2023. A copy to the said effect has been filed as annexure no.8 to the bail application. The instant FIR is clear misuse of process of Court. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. The applicant is languishing in jail since 18.09.2023. There is no criminal history of the applicant. In case, the applicant is

released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant- **Jai Singh**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 15.12.2023

Ravi Kant

(Krishan Pahal, J.)