

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52601 of 2019

Applicant :- Brajesh Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Maohammd Nadeem, Ashish Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

Heard learned counsel for the applicant as well as the learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Brajesh Singh with a prayer to release him on bail in Case Crime No. 123 of 2019 (Special Session Trial No. 94 of 2019), under Sections 363, 366, 376 IPC, and section 3/4 of Protection of Children From Sexual Offence Act, 2012 Police Station Tirwa District- Kannauj, during pendency of trial.

Submission is that applicant has been falsely implicated in this case by the informant for ulterior motives. The allegations made in the FIR by the informant against the applicant have not been supported by the victim in her statement under Section 164 Cr.P.C. The age of the victim has been found to be 17 years by the doctor. Given margin of two years on higher side, she can be considered to be major. Hence no offence is made out against the applicant. The applicant has no criminal history to his credit and he is languishing in jail since 13.9.2019. In case, the applicant is released on bail, he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

Having considered the submissions of the parties noted above, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of Dataram Singh Vs. State of

U.P. and another reported in (2018)3 SCC 22 and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid 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 with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

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

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 29.11.2019

Atul kr. sri.