

**Court No. - 71**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 10134 of 2021

**Applicant :-** Vinod @ Pinki @ Suraiya Kinnar

**Opposite Party :-** State Of U.P. And Another

**Counsel for Applicant :-** Pandey Balkrishna, Pradeep Kumar Sharma

**Counsel for Opposite Party :-** G.A.

**Hon'ble Ram Krishna Gautam, J.**

Heard over bail application moved by applicant, Vinod @ Pinki @ Suraiya Kinnar, to release him on bail in Case Crime No. 450 of 2020, under Sections- 363, 366, 376 (2)N of the I.P.C. and 5/6 of POCSO Act, Police Station-Shahi, District-Bareilly.

Heard learned counsel for the applicant and learned AGA representing the State. Perused the record.

Learned counsel for the applicant argued that the applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 02.12.2020. He is of no criminal antecedent. Prosecutrix is major. She has been held to be 18 years of age in medical age determination by medical board. Which may be with variation of two years either way. She in her statements, recorded under Sections 161 and 164 Cr.P.C. has said nothing incriminating against the applicant rather, voluntary fleeing, living and marriage in between has been admitted. There is no likelihood of applicant's fleeing from course of justice or tempering with evidence, in case he is released on bail. Hence bail has been prayed for.

Learned AGA has vehemently opposed bail, but could not oppose this fact that applicant is of no criminal antecedent.

Even after sufficient service of notice, upon the informant, none has appeared to oppose this bail application.

Having heard learned counsel for both the parties, gone through the material placed on record it is apparent that prosecutrix raised no protest all through she lived with the applicant. She is of age written as above. Considering all those facts and circumstances of the case, the nature of accusations, severity of the punishment in the case of conviction but without expressing any opinion on the merits of the case, this Court is of the view that the applicant may be enlarged on bail with certain conditions.

Let the applicant, Vinod @ Pinki @ Suraiya Kinnar, involved in above mentioned case crime number be released on bail on his executing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

**Order Date :- 26.3.2021**

Deepak/