

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22987 of 2020

Applicant :- Bahadur Lal @ Ram Bahadur

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

Heard Sri Sanjay Kumar Dwivedi, learned counsel for the applicant, Sri Sanjay Singh, learned AGA-I, appearing for the State and perused the material brought on record.

It has been contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case due to ulterior motive. It is next contended that the FIR of the alleged incident is delayed by four days for which no plausible explanation has been given, which itself falsify the prosecution story. It is further submitted that the applicant is not named in FIR and his name has came into light during the course of investigation. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused has also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. It has also been submitted that the applicant is languishing in jail since 11.2.2020. It has been pointed out that the applicant has no criminal history.

Learned A.G.A. has vehemently opposed the prayer.

Having heard the submissions of learned counsel of both sides, nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment, and larger mandate of the Article 21 of the Constitution of India, the dictum of Apex Court in the case of **Dataram Singh v. State of U.P. and another, reported in (2018) 2 SCC 22** and without expressing any opinion on the merit of the case, I find it to be a case of bail.

Let applicant- **Bahadur Lal @ Ram Bahadur**, be released on bail in Case Crime No.08 of 2020, under Sections- 354-Ka, 506 I.P.C. & SEction 7/8 POCSO Act, Police Station- Fatehganj Purvi, District- Bareilly, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad. The concerned Court shall verify the authenticity of such computerized copy of the order from the official website of High Court, Allahabad.

The trial Court is directed to expedite the trial of the present case and conclude the same as expeditiously as possible, keeping in view the law laid down by the Apex Court in the case of **Alakh Alok Srivastava Vs. Union of India and another** reported in **AIR 2018 (SC) 2440**, if there is no legal impediment.

Order Date :- 29.1.2021

Dev/-