

**Court No. - 69**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 36495 of 2021

**Applicant :-** Akash

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Satendra Singh

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

**Hon'ble Ajit Singh,J.**

Despite service of notice, none is present on behalf of the complainant.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

By means of this application, the applicant who is involved in Case Crime No. 194 of 2019, under Section 376 D.A. I.P.C. and section 3/4 The Protection of Children from Sexual Offences (POCSO) Act, P.S. Kurra, district-Mainpuri, is seeking enlargement on bail during the trial.

Learned counsel for the applicants submits that earlier the applicant has been granted bail in sections 363, 366, 376D I.P.C. and section 5/6 POCSO Act. Later on, Section 376 DA and Section 5/6 Protection of Children from Sexual Offences (POCSO) Act were added in the charge sheet and subsequently the remand was changed adding the Sections 376 DA IPC and 3/4 of the POCSO Act. However, there is no cogent evidence collected by the investigating agency to connect the present applicant with the alleged offence under the newly added sections. He lastly submits that the applicant, who is in jail since 6.7.2020 and has no criminal antecedents to his credit is entitled to be enlarged on bail during pendency of the trial.

The prayer for bail has been vehemently opposed by learned A.G.A.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of the punishment, submissions of learned counsel for the parties, considering the period of detention in jail, considering that charges under Section 376 D.A. I.P.C. and section 3/4 POCSO Act were added after grant of bail to the applicant by another Bench of this Court, considering the facts and circumstances of the case and without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be enlarged on bail during the pendency of the trial.

Let the applicant, **Akash** be released on bail in the aforesaid case on his

executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

(a) The applicant shall attend the court according to the conditions of the bond executed by him.

(b) 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

**Order Date :- 24.12.2021**

Faridul