

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20438 of 2024

Applicant :- Pratap Singh

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Manju Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. Personal affidavit of S.S.P., Bulandshahr filed today is taken on record.
2. Learned State Law Officer has informed that the notice to the informant has been served on 25.05.2024.
3. Heard Ms. Manju Pandey, learned counsel for the applicant, Sri Yogesh Mishra, learned State Law Officer for the State and perused the record.
4. Applicant seeks bail in Case Crime No.71 of 2024, under Sections 354, 354-Ka, 376AB I.P.C., Section 9M/10 and 5MF/6 POCSO Act and Section 3(2)5 SC/ST Act, Police Station Araniya, District Bulandshahr, during the pendency of trial.

PROSECUTION STORY:

5. Six children belonging to O.B.C. and S.C. category are stated to have discontinued going to their school and after asking them for the reason for doing so, they are stated to have revealed it to the informant that the applicant used to fondle with them and touched their private parts inappropriately and used to show them certain sexually explicit material on his mobile.

6. The FIR was instituted on 25.03.2024.

ARGUMENTS ON BEHALF OF APPLICANT:

7. The informant and the other family members of the other victims did not get any scholarship from the State, as such, the applicant has been falsely implicated in the present case. The reason was that the students did not attend the school regularly.

8. There is no medical report to corroborate the prosecution story.

9. A plea of alibi has been taken by the applicant as he was suffering from cough and breathlessness and was advised rest from 10.03.2024 to 25.03.2024 by the consultant chest physician. The said medical report has been filed as Annexure No.SA-1 to the supplementary affidavit dated 27.08.2024.

10. The applicant was a previously cancer patient and there is every possibility of him again being effected by the said ailment as he is languishing in jail since 25.03.2024.

11. 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.

12. There is no criminal history of the applicant. He is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

13. The bail application has been opposed on the ground that the said children were of tender age from 9-13 years, as such the said offence committed by the applicant is of grievous dignity. The said medical certificate is fake and has been subsequently fetched by the applicant.

CONCLUSION:

14. After hearing the rival submissions advanced by learned counsel for the parties and taking into consideration the tender age of the victim i.e. from 9-13 years, I do not find it a fit case for grant of bail to the applicant.

15. The bail application is found devoid of merits and is, accordingly, **rejected**.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 3.10.2024

Ravi/-

(Justice Krishan Pahal)