

Court No. - 87

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27807 of 2022

Applicant :- Sunil Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramesh Kumar Mishra, Ajeet Kumar Shukla

Counsel for Opposite Party :- G.A., Jitendra Partap Singh

Hon'ble Deepak Verma, J.

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

The instant bail application has been filed on behalf of the applicant with a prayer to release him on bail in Case Crime No.16 of 2021, under Section 509 I.P.C. and Sections 67, 67A of the Information Technology Act, 2000, P.S.Dheena, District-Chandauli, during pendency of the trial.

Learned counsel for the applicant submitted that applicant is innocent and has falsely been implicated in the present case. He further argued that the allegations levelled in the F.I.R. against the applicant are forged and baseless and no case is made out under alleged Sections. The applicant has no role in making the obscene photograph of the victim viral. The victim is a major lady and she has falsely and intentionally implicated the applicant, so as to save her skin and social image. The applicant has no criminal history. Moreover, there is no prospect of trial of the present case being concluded in near future. The applicant is languishing in jail since 14.6.2022 and, in case, he is enlarged on bail, he will not misuse the liberty of bail and co-operate in trial.

Per contra, learned A.G.A. has opposed the bail prayer of the applicant, but he did not dispute the facts of the case as argued by learned counsel for the applicant.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case and the law laid down by the Apex Court in **Satendra Kumar Antil Vs. C.B.I. & Another**, passed in S.L.P.(Crl.) No. 5191 of 2021, the Court is of the view that the applicant has made out a case for bail. The bail

application is allowed.

Let the applicant, Sunil Yadav, who is involved in the aforesaid case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

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.

Order Date :- 28.3.2023

Manish Himwan