

UPGB010072352026



THE COURT OF ADDITIONAL SESSIONS JUDGE/SPECIAL JUDGE, POCSO ACT (FIRST)
GAUTAM BUDDHA NAGAR
PRESENT:- ABHISHEK PANDEY (HJS) **JO CODE: UP06262**
B.A. No.3021/2026
UP GB01-007235-2026

Banwari Lal Sharma s/o Late Shri Harishchandra Sharma
Vs.
State of UP

ORDER

1.	Accused's name/Father's name.	Banwari Lal Sharma s/o Late Shri Harishchandra Sharma
2.	Case Crime Number.	146/2026
3.	Police Station.	Kasna
4.	Under Section.	351(2), 74 BNS and section 9(m)/10 POCSO Act
5.	Date & Time of incident of crime.	22.07.2026 at 21:00 hrs.
6.	Date & Time of registration of FIR.	23.07.2026 at 18:27 hrs.
7.	Triable by Court of Magistrate/Session.	Triable by Court of Session
8.	In judicial custody since.	24.07.2026

Shri Mohit Sharma, Ld. Advocate for Applicant/Accused.
Present:-
Shri Jai Prakash Bhati, Ld. SPP for Prosecution.

Date/12.08.2026

1. This bail application supported by an Affidavit is moved on behalf of applicant/accused Banwari Lal Sharma s/o Late Shri Harishchandra Sharma, in Case Crime No.146/2026, P.S.- Kasna, U/Ss 351(2), 74 BNS and section 9(m)/10 POCSO Act, District- Gautam Buddha Nagar. This is the first bail application of the applicant/accused and no other bail application is pending before any other Court or before Hon'ble High Court as stated in Affidavit.
2. In brief, the prosecution story is as follows that complainant lodged an FIR on 23.07.2026 at 18:27 hrs. at P.S.- Kasna, District- Gautam Buddha Nagar, stating therein that on 23.07.2026 at about 02:00 p.m., one person named Banwari Lal Sharma committed molestation and indecent acts with complainant's minor daughter/victim "A", aged about 7 years and also said to remove victim's clothes. Victim told entire incidence to her parents. When complainant complained and objected then Banwari Lal Sharma threatened complainant to face dire consequences if complainant discloses this incidence to anyone. The first information report was registered against applicant/accused and investigation started.
3. Learned Advocate for applicant/accused submitted that applicant/accused is innocent and falsely implicated. He has not committed any crime. It is further submitted that first information report is registered with the delay of 22 hrs., but no explanation for delay is given. There is no independent

eye witness of the alleged incidence. No offence in alleged sections is made out against applicant/accused. Applicant/accused has no criminal antecedents. Applicant/accused is in judicial custody since 24.07.2026. Hence, prayed for granting bail.

4. Per contra, learned Special Public Prosecutor has opposed the bail of applicant/accused and prayed for rejection of bail.
5. Heard the learned counsel for the applicant/accused and learned Special Public Prosecutor and perused the relevant documents.
6. Perused the case diary and other material documents available on record. On perusal of case diary, it appears that as per documentary proof of age available on record victim is found to be 7 years of age as on alleged date of commission of offence. Victim in her statement of section 180 B.N.S.S. has categorically stated that on 22.07.2026 at about 09:00 hrs. some uncle who runs shop of 'Dona-Pattal', called victim to his shop and on the pretext of giving allurements of chocolate, that Uncle removed victim's clothes and also committed indecent acts with the victim. That Uncle also put his hand on victim's cheek inappropriately with wrong intention. When victim cried then several persons of the locality came there. In statement of 183 B.N.S.S., victim has reiterated the above facts and also clarified that accused removed victim's undergarments and also pressed victim's private part inappropriately with wrong intention. Victim felt pain in her body. In P.S. Report, it is clearly mentioned that accused committed molestation and also committed indecent acts with the victim on the pretext of giving allurements of something from the shop. Thereby victim has clearly stated in her both statements that accused touched victim's body and also touched victim's private part inappropriately with wrong intention on the pretext of giving allurements of chocolate or some other articles from the shop. The alleged offences are serious in nature.
7. Therefore, taking into consideration the above mentioned facts and circumstances of the case and the nature of the offence, without expressing any opinion on merit of the case, does not find sufficient basis for grant of bail to the applicant/ accused.

Order

8. The bail application of the applicant/accused **Banwari Lal Sharma s/o Late Shri Harishchandra Sharma**, is hereby rejected, in Case Crime No.146/2026, P.S.- Kasna, U/Ss 351(2), 74 BNS and section 9(m)/10 POCSO Act.
 9. Let the copy of this order be provided free of cost to the applicant/ accused immediately.
- Dt. 12.08.2026

(Abhishek Pandey)
Additional Sessions Judge/
Special Judge, POCSO Act (First)
Gautam Buddha Nagar
J.O. Code- UP06262

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