

**The Court of Additional Session Judge/Special Judge
(Rape & POCSO Act) -II, Balrampur.
Bail Application No. 1119/2022
CNR No. UPBP010023092022
Kandhaee Lal Vs. State of UP.**

Case Crime No. 365/2016
U/s 363,366,376 IPC. &
S. 18 POCSO Act.
P.S. Laliya.
Dist.- Balrampur.

28.11.2022

Present: (i) Ld. Counsel for the accused.

(ii) Ld. ADGC(Criminal) for State and Ld. Counsel for the informant/victim.

The accused/applicant has filed this Bail Application praying for release on bail. On behalf of the accused/applicant one Jaipata has filed affidavit in support of the bail application stating that the deponent is mother as well as pairokar of the accused.

Heard Ld. Counsels present for all the parties and perused the case file and relevant records.

The main grounds taken by the applicant/accused in the bail application are:- that the accused was enlarged on bail. Accused has not misused the bail and always came present before the Court through his counsel on time. Accused mother was ill and accused went to Bahraich for her mother treatment and could not gave exemption for that day due to which NBW was issued against him 28.07.2022. The accused will not misuse the bail in future and will fully cooperate in the trial.

On behalf of the prosecution, it was admitted that accused had been enlarged on bail earlier vide order dated 20.07.2016 passed by Hon'ble High Court in BAIL No. 6209/2016, Kandhaee Lal Vs. State of UP.

A perusal of records reveals that the accused has earlier been enlarged on bail vide the aforesaid order dated 20.07.2016 passed by Hon'ble High Court. Thereafter, the accused became absent during trial. Hence, NBW was issued against accused on 28.07.2022 when accused was absent but witness was present for her recording of statement. Later on, accused surrendered before the Court on 22.08.2022 and was taken into judicial custody. The Ld. Counsel of the accused has assured this Court that henceforth the accused will fully cooperate in the trial and will not seek any adjournment in this matter. Therefore, in these circumstances, there are proper grounds to release the accused on bail.

ORDER

The accused Kandhaee Lal is granted bail on furnishing a PB of Rs. 1,00,000/- (One Lakh Only) along with two sureties of the same amount each with the following conditions:-

1. The accused shall not try to make any direct or indirect contact with the victim or her family members in any manner whatsoever.
2. The accused shall attend the Court proceedings in accordance with the conditions of bond executed herein.

3. The accused shall not commit an offense similar to the offense of which he is accused, or suspected, of the commission of which he is suspected.
4. The accused 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 temper with the evidence.
5. The accused shall not leave the country without prior permission of the Court.
6. The accused shall not seek any adjournment during trial when witnesses are present for examination.
7. The accused shall, without fail, be personally present in the Court as and when so directed by the Court during the trial.
8. In case of violation of any of the conditions, as herein before mentioned, it shall be deemed to be misuse by the accused of the bail granted to him. Accordingly, the trial court shall be at liberty to proceed against the accused as per law.

Date 28.11.2022

(Abhinitam Upadhyay)
J.O Code- UP06192
Additional Session Judge/
Spl. Judge (Rape & POCSO Act)-II
Balrampur.