

**Court No. - 72**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 6290 of 2024

**Applicant :-** X Juvenile

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

**Counsel for Applicant :-** Navaneet Kumar Shukla, Ravindra Kumar Chauhan

**Counsel for Opposite Party :-** G.A., Kripa Shanker Mishra, Shiva Kant Tiwari, Surya Mani Tripathi

**Hon'ble Vivek Varma, J.**

1. Heard learned counsel for the applicant, Sri Rupak Chaubey, learned A.G.A. for the State as well as Sri Kripa Shankar Mishra, counsel for the opposite party no.2 and perused the material placed on record.
2. This application under section 438 Cr.P.C. has been filed seeking anticipatory bail in Case Crime No.109 of 2024, under sections 363, 328, 376, 506 I.P.C., and 3/4 of Protection of Children from Sexual Offences Act, 2012, P.S. Mauaima, District Prayagraj.
3. Counsel for the applicant has placed reliance on the high school certificate of the applicant dated 25th April 2023 and contends that the applicant is a minor. The applicant has been falsely implicated in the instant case owing some other dispute between the parties. As per the opinion of the doctor dated 14.4.2024 the age of the victim was found between 16 to 18 years. No injury was found on the private parts of the victim. Only an abrasion was found on the left side of back. The applicant has no criminal antecedents. The investigation of the case has been completed. The charge-sheet has been submitted in the court of Juvenile Justice Board, Prayagraj. No custodial interrogation is required in this matter. It is next submitted that the applicant has apprehension of his arrest in the above mentioned case.
4. Matter requires consideration.
5. Learned AGA and counsel for the opposite party no.2 pray for and are granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.
6. Place this case on 16.8.2024 in the additional cause list.
7. Till the next date of listing, in the event of arrest of the applicant **X Juvenile**, in Case Crime No.109 of 2024, under sections 363, 328, 376, 506 I.P.C., and 3/4 of Protection of Children from Sexual Offences Act, 2012, P.S. Mauaima, District Prayagraj shall be released on interim anticipatory bail on furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the **Court concerned** with the following conditions:-

(i) The applicant shall make himself available on each and every date fixed in the matter by the court concerned.

(ii) 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 from disclosing such facts to the Court.

(iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the court concerned.

8. In case, the applicant does not co-operate in the proceedings of the trial, this order shall stand automatically recalled/vacated and the applicant shall be taken into custody, forthwith.

9. Further, in default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

**Order Date :-** 4.7.2024/S.S.