

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1551 of 2023

Applicant :- Monu Singh @ Sumit Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Dev Prakash Singh, Onkar Singh, Vishwa Nath Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. The instant matter is listed today before this Bench pursuant to the order passed by Hon'ble The Chief Justice dated 20.08.2023.
2. Heard Sri Vishwa Nath Mishra, learned counsel for the applicant and Sri Pradeep Kumar, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 0135 of 2022, under Sections 452, 354C, 506, 34 IPC and Section 67 I.T. Act, Police Station Pahadi, District Chitrakoot during pendency of the trial.
4. FIR of the present case was lodged on 27.09.2022 against applicant and three others and according to the FIR on 17.09.2022 in the night when informant was in the house, co-accused Jitendra Kumar Patel committed rape with her and other accused persons prepared her indecent video and photo and thereafter applicant send the same on the mobile phone of others.
5. Learned counsel for the applicant submitted that totally on the basis of false allegation, applicant has been made accused in the present matter and even story narrated by the victim appears to be improbable. He further submits that there is no allegation of rape against the applicant and as per allegation applicant prepared the obscene video of the victim and send the same on the mobile phone of others but during investigation the recovery of alleged indecent video and photo of the victim could not be made.
6. He further submits that principal accused Jitendra Kumar Patel has already been released on bail by this Court vide order dated 19.05.2023 and case of applicant is even at better footing than him.

He further submits that applicant is not having any criminal history and in the present matter he is in jail since 30.09.2022 i.e. for last more than a year.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that there is no allegation of rape against the applicant and allegation of rape was against co-accused Jitendra Kumar Patel and he has already been released on bail by this Court.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that there is no allegation of rape against the applicant and allegation of rape was against co-accused Jitendra Kumar Patel, who has been released on bail by this Court and applicant is not having any previous criminal history and in the present matter he is in jail since 30.09.2022 i.e. for last more than a year, in my view, applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant - **Monu Singh @ Sumit Singh** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. 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 :- 30.11.2023

AK Pandey