

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1267 of 2023

Applicant :- Sanjay Banvasi

Opposite Party :- State Of Up Thr Prin Sec Home Govt Of Up At Lko

Counsel for Applicant :- Raj Bahadur Verma,Virendra Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Virendra Kumar Shukla, learned counsel for the applicant and Sri Ravi Kant Kushwaha, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 248 of 2022, under Sections 376, 504, 506 IPC, Police Station Kuthan, District Jaunpur during pendency of the trial.
3. FIR of the present case was lodged against applicant on 23.09.2022 and according to the FIR on 15.09.2022 when daughter-in-law of the informant was returning back to her home then on the way applicant intercepted her and forcibly took her in the forest and outraged her modesty.
4. Learned counsel for the applicant submitted that on the basis of false allegation after about seven days applicant has been made accused in the present matter. He further submits that neither in the FIR nor in the statement of the victim recorded under Section 161 Cr.P.C. there is any allegation of rape but when the statement of the victim was recorded under Section 164 Cr.P.C. then she made allegation of rape against the applicant.
5. He further submits that admittedly victim was major and married lady and story narrated by her does not inspire any confidence. He further submits that due to enmity applicant has been made accused in the present matter and he is not having any criminal history and in the present matter he is in jail since 07.10.2022 i.e. for more than a year.
6. Per contra, learned AGA opposed the prayer for bail but could

not dispute the argument on facts advanced by learned counsel for the applicant.

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

8. Considering the fact that FIR of the present case was lodged after about a week and victim is major and married lady and story narrated by her does not inspire any confidence and applicant in the present matter is in jail for more than a year, in my view, applicant is entitled to be released on bail.

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

10. Let the applicant - **Sanjay Banvasi** 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.

11. 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.

12. 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 :- 7.11.2023

AK Pandey