

Court No. - 84

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6298 of 2023

Applicant :- Mangal

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Jata Shankar Pandey, Rakesh Kumar Yadav

Counsel for Opposite Party :- G.A., Arvind Kumar Singh, Rakesh Singh, Ravindra Kumar Singh, Ravish Kumar Singh

Hon'ble Mrs. Sadhna Rani (Thakur), J.

1. Heard learned counsel for applicant on second bail application moved on behalf of applicant- Mangal.
2. The accused-applicant Mangal is involved in Case Crime No. 0095 of 2022, under Sections 363, 366, 376, 343 I.P.C. and 5/6 POCSO Act, Police Station- Phoolpur, District- Prayagraj.
3. It is argued by learned counsel for applicant that first bail application of applicant- Mangal was rejected by this Court on 29.09.2022 vide order passed in Criminal Misc. Bail Application No. 31630 of 2022. It is further submitted that now the victim has become major, she wants to live with the accused-applicant.
4. Learned counsel for opposite party no. 2 and learned A.G.A. have vehemently opposed the prayer.
5. From the perusal of record, it is found that as per the allegation of the FIR, the present applicant had enticed away the sister of the first informant. Today also learned counsel for applicant drew the attention of the Court towards the high school marksheet of the victim appended at page 34 of the affidavit filed in support of bail application wherein the date of birth of the victim is mentioned as 07.07.2005 and the date of incident is 29.03.2022. Thus the victim was about 16 years and 4 months old i.e. minor at the time of incident. The arguments of learned counsel for applicant that today the victim has become major and wants to live with the accused-applicant and the victim had gone with the accused as per her own sweet will, do not inspire the confidence of the court.
6. In the opinion of the Court, the consent of minor has no significance. Hence, the only ground that the victim has become major today and she is still ready to live with the accused, does not help the applicant any way. The ground taken by the applicant is however, not appreciable.
7. Accordingly, this second bail application is hereby **rejected**.

Order Date :- 30.10.2023/Sharad/-