

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5299 of 2023

Applicant :- Raksha Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Janardan Yadav

Counsel for Opposite Party :- G.A.,Raghvendra Prakash

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.334 of 2022 at Police Station-Rani Ki Sarai, District- Azamgarh under Sections 376(D), 506 IPC. The applicant is in jail since 21.10.2022.

The bail application of the applicant was rejected by the learned trial court on 06.12.2022.

The following arguments made by Shri Brijesh Kumar Yadav, learned counsel holding brief of Shri Janardan Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Suchit Tandon, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant has been falsely nominated on account of a village rivalry.
2. The statements of the victim are tutored and made at the

behest of her parents.

3. Family members of the applicant have been implicated only to bring them in disrepute and to leverage the criminal proceedings in the dispute between the parties.

4. Medical report contradicts the prosecution story, inasmuch as, no injury has been found on the person of the victim which would have occurred as she was dragged to the nearby canal where the incident occurred.

5. Medical evidence to corroborate commission of rape by the applicant with the victim has not been produced by the prosecution.

6. Prosecution evidence does not connect the applicant with the offence.

7. The applicant does not have any criminal history apart from the instant case.

8. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- **Raksha Chauhan** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 17.10.2023
Dhananjai