

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15185 of 2023

Applicant :- Sadiq

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

Counsel for Applicant :- Anuj Kumar Gupta,Irshad Ahmad,Mohd Adil,Vinay Kumar Singh Singraur

Counsel for Opposite Party :- G.A.,Mata Achal Mishra,Vinay Mishra

Hon'ble Sameer Jain,J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Mohd. Adil and Sri Vinay Kumar Singh Singraur, learned counsels for the applicant, Sri Mata Achal Mishra, learned counsel for the informant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 24 of 2023, under Sections 376, 313, 354-C, 452, 504, 506 IPC and Section 3/4 POCSO Act and Section 67 I.T. Act, Police Station Hazratnagar Garhi, District Sambal during pendency of the trial.
4. FIR of the present case was lodged against applicant and four others and according to the FIR about a year before applicant after enticing the informant to perform marriage with her, sexually exploited her and also prepared her obscene video and continuously sexually exploited her and when she conceived then he caused her miscarriage and subsequently applicant refused to perform marriage with the informant.
5. Learned counsel for the applicant submitted that entire story narrated by the victim in the FIR as well as in her both the statements recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. with regard to sexual exploitation of the applicant is totally false and actually victim i.e. informant and applicant were having love affair but subsequently some dispute arose between both of them and thereafter FIR of the present case was lodged.
6. He further submits that now dispute between both the parties

have already been resolved and victim has also attained the age of majority and on the assurance given by the applicant, she appeared before the trial court and did not support the prosecution case and has been declared hostile.

7. He further submits that even applicant is ready to perform marriage with her after release on bail. He further submits that even informant i.e. victim of the case is not having any objection if applicant be released on bail. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 21.02.2023.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that victim during trial has been declared hostile. He further submits that as dispute between both the parties has been resolved and applicant is ready to perform marriage with victim after release on bail, therefore, he is also not having any objection, if applicant be released on bail.

9. Learned counsel appearing on behalf of the informant i.e. victim also conceded the fact that dispute between both the parties has come to an end and victim on the assurance of the applicant that after release on bail he will perform marriage with her, did not support the prosecution case during trial and victim is having no objection if applicant be released on bail subject to the condition that after release on bail, applicant shall perform marriage with her within three months.

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

11. Considering the fact that now victim has attained the age of majority and both the parties i.e. victim and applicant are agree to perform marriage with each other and victim has already declared hostile before the trial court, in my view, applicant is entitled to be released on bail.

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

13. Let the applicant - **Sadiq** 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.

(iv) The applicant shall perform marriage with the victim within three months from the date of his release on bail.

14. 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.

15. 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