

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22131 of 2021

Applicant :- Sajjan

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ashok Kumar Yadav, Ashish Kumar Singh, Umesh Chandra Prajapati

Counsel for Opposite Party :- G.A., Ram Raj Prajapati

Hon'ble Sameer Jain, J.

1. None appeared on behalf of the informant even in revised call.
2. However, learned A.G.A. for the State is present
3. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 98 of 2021 under sections 342, 376 (3), 506 IPC and 4 POCSO Act, Police Station Sumerpur, District Hamirpur.
4. FIR of the present case was lodged against the applicant and according to the FIR, applicant committed rape with daughter of the informant aged about 14 years.
5. Learned counsel for the applicant submits that applicant is innocent and on the basis of false allegation of rape, he has been made accused in the present matter. He further submits actually mother of the applicant has given Rs. 80,000/- to the informant and when she demanded her money back then, instead of returning the money, the informant implicated her son i.e. the applicant in the present matter.
6. He further submits although victim in her statements recorded under sections 161 and 164 Cr. P.C. stated that applicant committed rape with her but there are contradictions in her statements and as she is a minor girl aged about 14 years therefore, under the pressure of her parents, she stated against the applicant.
7. He further submits that applicant has no criminal history and he is in jail since 20.03.2021 i.e. for more than two and a half years.
8. *Per Contra*, learned A.G.A. opposed the prayer for bail and

submits that victim is hardly 14 years old and she, in both her statements recorder under sections 161 and 164 Cr. P.C., stated that applicant committed rape with her and the applicant could not give any good reason for his false implication therefore, the applicant should not be released on bail.

9. I have heard both sides and perused the record.

10. Although it appears that applicant is in jail in the present matter for more than two and a half years but victim of the case is aged about 14 years and she in her statements categorically stated that in the absence of her parents applicant committed rape with her and there is no reason to disbelieve the statement of the victim at this stage.

11. Further, applicant failed to give any good reason for his false implication and the defence taken by him appears to be vague and general in nature.

12. Therefore, considering the facts and circumstances of the case as discussed above, the applicant is not entitled to be released on bail. The bail application is **rejected**.

13. However, considering the fact that applicant is in jail since 20.03.2021 i.e. for more than two and a half years, the trial court is directed to conclude the trial of the case within a period of seven weeks from the date of production of a certified copy of this order in accordance with the provisions of Section 35 of P.O.C.S.O. Act and Section 309 of Cr.P.C. if there is no legal impediment

Order Date :- 17.10.2023

Madhurima