

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31656 of 2022

Applicant :- Tejveer Alias Tinku

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

Counsel for Applicant :- Amit Singh, Shubham Dwivedi, Sonu Malik

Counsel for Opposite Party :- G.A., Ashutosh Gupta, Umesh Kumar Gupta

Hon'ble Sameer Jain, J.

1. Heard Sri Sonu Malik, learned counsel for the applicant, Sri Mohd, Faizan Ali, Advocate, holding brief of Sri Ashutosh Gupta, learned counsel for the informant AGA for the State.

2. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 04 of 2022 under section 376 IPC, r/w 3/4 POCSO Act, Police Station Naujhil, District Mathura.

3. FIR of the present case was lodged against the applicant and three others and according to the FIR applicant committed rape with daughter of the informant aged about 13 years.

4. Learned counsel for the applicant submits that entire allegations made against the applicant are totally false and due to village party bandi, applicant has been made accused in the present matter.

5. He further submits that FIR of the present case was lodged after two days and no explanation for the delay has been given.

6. He further submits that there are material contradictions in the statement of the victim recorded under Sections 161 and 164 CrPC. He further submits although age of the victim was around 13 years but when she was medically examined, the doctor did not find any injury on her body and this fact clearly suggest that only due to enmity, applicant has been made accused in the present matter.

7. He further submits that applicant is in jail since 4/1/2022 i.e. for more than one and a half years and he does not have any previous

criminal history to his credit.

8. Per Contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submit that victim was hardly 13 years old at the time of the incident and she in both her statements recorded under Sections 161 and 164 CrPC, stated that applicant committed rape with her. They further submit that applicant could not give any good reason for his false implication, therefore, he should not be released on bail.

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

10. The victim of the present case was hardly 13 years old at the time of the incident and she in both her statements recorded under Sections 161 and 164 Cr.P.C., categorically stated that applicant committed rape with her and the applicant could not give any good reason for his false implication, therefore, in my view the applicant is not entitled to be released on bail.

11. Accordingly, the instant bail application is dismissed.

Order Date :- 16.10.2023

Madhurima