

Neutral Citation No. - 2023:AHC:205869

RESERVED ON 17.10.2023

DELIVERED ON- 26.10.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35754 of 2023

Applicant :- Saddam

Opposite Party :- State of U.P.

Counsel for Applicant :- Pramod Kumar Pandey, Sanjeev Kumar Khare

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

Heard Sri Pramod Kumar Pandey, learned counsel for the applicant as well as Sri C.L. Singh, learned AGA-1 for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Saddam, with a prayer to release him on bail in **Case Crime No. 440 of 2023, under Sections 376, 506 IPC, Police Station Chandpur, District-Bijnor**, during pendency of trial.

There is allegation in the First Information Report that the informant is aged about 19 years. On 3.7.2023 at about 10 A.M., when she was alone in the house, son of her *Bua*, the applicant came to her house and forcibly committed offence of rape against her. He further threatened her of killing her brothers in case she disclosed the incident to anyone. The First Information Report was lodged after two days, i.e., on 5.7.2023. The informant stated that she could not lodge the First Information Report earlier because of fear. In the statement of the victim recorded under sections 161 and 164 Cr.P.C. she has repeated the allegations made in the First Information

Report. Before the doctor also she has made similar allegation at the time of her medical examination.

Learned counsel for the applicant has submitted that it is a case of no injury. The victim as per her birth certificate is aged more than 21/1/2 years.

Learned counsel for the informant and learned AGA have vehemently opposed the prayer for bail of the applicant and they have stated that statements of father and mother of the victim have also been recorded by investigating officer in this case and they have stated that their younger children had gone to school when applicant came to their house and committed the offence of rape against their victim, daughter.

After hearing the rival contentions this court finds that applicant is closely related to the victim. He has violated the sanctity of relation and also faith of the victim who is his cousin.

The bail application is accordingly rejected.

The court below is directed to conclude the trial against the applicant, as expeditiously as possible, preferably within a period of one year from the date of production of certified copy of this order.

Order Date :- 26.10.2023

Atul kr. sri.