

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44884 of 2022

Applicant :- Lav Singh @ Lavpreet Singh @ Laadi

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

Counsel for Applicant :- Rakesh Kumar Mishra

Counsel for Opposite Party :- G.A., Krishna Kumar Mishra

Hon'ble Samit Gopal, J.

1. List revised.
2. Heard Sri Rakesh Kumar Mishra, learned counsel for the applicant, Sri Birendra Pratap Singh, learned A.G.A. and perused the material on record.
3. Sri Krishna Kumar Mishra, learned counsel for the first informant is not present even when the matter has been taken up in the revised list.
4. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant Lav Singh @ Lavpreet Singh @ Laadi, seeking enlargement on bail during trial in connection with Case Crime No. 275 of 2022, under Sections 363, 366, 376 IPC and 3/4 POCSO Act, registered at P.S. Bilaspur, District Rampur.
5. The F.I.R. of the matter was lodged on 30.6.2022, under Section 363 I.P.C. by Smt. Manjeet Kaur, against the applicant and three other accused persons alleging therein that on 30.6.2022 at about 02.30 p.m. her daughter aged about 13 years has been allured and enticed away by the accused persons. A report be lodged and appropriate action be taken.
6. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that the victim in her statement under Section 161 Cr.P.C. has stated of going with the applicant out of her own sweet will and there was physical relationship between them out of own sweet will. It is argued that subsequently the victim in her statement under Section 164 Cr.P.C. states of sexual assault on her by the applicant. It is argued that the same has been given by the victim under pressure of police and family members just in order to falsely implicate and harass the applicant. It is argued that the applicant is having no criminal history as stated in para-25 of the affidavit and is in jail since 06.07.2022.
7. Per contra, learned A.G.A. opposed the prayer for bail and argued that the victim is aged about 13 years and is a minor girl. It is argued that the applicant is named in the F.I.R. and in the statements of the victim and there are allegations against him of establishing physical relationship with the victim. It is argued that consent of a minor cannot be looked into at this stage.
8. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is named in the F.I.R., in the statements of the victim under Sections 161 Cr.P.C. and 164 Cr.P.C. and there are allegations against him of establishing physical relationship with

the victim. The victim is a minor girl and consent of a minor is of no worth.

9. Looking into the facts and circumstances of the case as well as nature and gravity of the offence, I am not inclined to release the applicant on bail.

10. The bail application is, accordingly, rejected.

(Samit Gopal,J.)

Order Date :- 12.12.2023

Naresh