

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10221 of 2023

Applicant :- Ramkaran

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. As per report dated 06.09.2023, notice has been served to the informant.
3. Heard Sri Harishanker, Advocate holding brief of Sri Amit Kumar Pandey, learned counsel for the applicant, Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.
4. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.0126 of 2017, under Sections 354B, 323, 506 IPC and Section 7/8 of Protection of Children From Sexual Offences Act, 2012, Police Station Bansgaon, District Gorakhpur, during the pendency of trial.
5. As per prosecution story, the applicant is stated to have outraged the modesty of the informant in the fields by taking her forcibly there and is stated to have disrobed her and when the victim resisted to it, the applicant is stated to have assaulted her by the sharp edged weapon.
6. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. No rape has been committed with the victim. The age of the victim is 14 years. Learned counsel has further stated that the injuries sustained by the victim are simple in nature. There are no criminal antecedents of the applicant. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.
7. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that the applicant is named in the FIR

and the victim was 14 years old only and she had sustained three injuries in all, although they are not grievous in nature but it corroborates the prosecution story.

8. After hearing learned counsel for the parties and taking into consideration the injuries sustained by the victim and her age, I do not find it a fit case for grant of anticipatory bail to the applicant. The arguments tendered at Bar pertain to regular bail application and cannot be agitated at the stage of 438 Cr.P.C.

9. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 18.10.2023

Ravi Kant

(Krishan Pahal, J.)