

Court No. - 37

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40677 of 2023

Applicant :- Mohit Singh Chauhan @ Monu

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajiv Kumar Tripathi, Amit Rai

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 112 of 2017 at Police Station- Kuthaund, District- Jalaun, under Section 328, 376D, 366, 506 IPC. The applicant is in jail since 14.07.2023.

The bail application of the applicant was rejected by the learned trial court on 24.08.2023.

The following arguments made by Shri Rajiv Kumar Tripathi and Shri Amit Rai, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. Delay of two months in lodgment of the FIR in the facts of this case is fatal to the prosecution case.
2. The victim was in a relationship with the brother-in-law of the applicant.
3. The FIR is a result of the said relationship going awry.

4. The applicant has been nominated only to wreak vengeance on the family of the victim's love interest.
5. The applicant never captured or circulated any indecent video of the victim.
6. Medical evidence to corroborate commission of rape by the applicant with the victim has not been produced by the prosecution.
7. The applicant claims congruency in role and seeks parity in relief granted to the co-accused Sumit and Mohit Singh who have been enlarged on bail by this Court by order dated 13.12.2017 and 27.09.2023 passed in Criminal Misc. Bail Application Nos. 48407 of 2017 and 41923 of 2023 respectively.
8. The applicant does not have any criminal history apart from this case.
9. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-**Mohit Singh Chauhan @ Monu** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 7.12.2023

Jaswant