

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41575 of 2023

Applicant :- Raj Gautam

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Sudhakar Shukla, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.98 of 2023, under Section 366 IPC, Police Station Kidwai Nagar, District Kanpur Nagar, during the pendency of trial.

3. Initially the charge-sheet was submitted against the applicant under Section 363 IPC in which he was enlarged on bail later on Section 366 IPC was added and the bail application filed by the applicant was rejected by the court below.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. The victim in her statements recorded under Sections 161 and 164 CrPC has stated that she voluntarily left her parental house and went with the accused. She has also stated that no physical relation was made by the applicant. She has also refused her medical examination. There is variation in her date of birth. It is further contended that except the fact that the victim was below the age of 18 years no adverse fact and circumstance has been found against the applicant. The victim has stated that she loves the accused and wants to marry with him. There is no criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 18.06.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Considering the facts, circumstances and the submissions made, this Court is of opinion that the applicant has made out a case for

grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Raj Gautam**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 31.10.2023

Shahroz