

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41939 of 2023

Applicant :- Ravindra Chauhan Alias Tirath Raj Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Ehtesham Afsar Khan

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

Hon'ble Sameer Jain,J.

1. Heard Sri Ishtiyak Khan, learned Advocate, holding brief of Sri Ehtesham Afsar Khan, learned counsel for the applicant, Sri Vijay Kumar Mishra, learned counsel for the informant and Sri Kunwar Tejendra Bahadur, learned AGA, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.177 of 2023, under Section 376-D IPC, Police Station Sikrara, District Jaunpur during pendency of the trial.

3. FIR of the present case was lodged on 21.7.2023 against co-accused Dharmendra Chauhan and Ravi Singh Chauhan (non-applicant) and according to the FIR, about two months before in the month of May,2023 nominated accused persons prepared video clip of the informant while she was taking bath and thereafter they started blackmailing her and on 6 or 7.6.2023 nominated co-accused Dharmendra Chauhan made physical relationship with her and thereafter co-accused Ravi Singh Chauhan also made physical relationship with her under the threat to the viral obscene videos of the informant.

4. Learned counsel for the applicant submits that applicant was not named in the FIR and in the FIR only co-accused Dharmendra Chauhan son of Teerath Chauhan and Ravi Singh Chauhan were

named but subsequently when the statement of victim was recorded under Section 161 Cr.P.C. then she stated that actually Dharmendra Chauhan is the applicant and she was not aware about the correct name of applicant and thereafter she disclosed his name as Dharmendra Chauhan in the FIR.

5. He further submits that this fact clearly suggests that subsequently applicant has been made accused in the present matter on the basis of false allegation only due to enmity.

6. He further submits that although in the FIR as well as victim in her both the statements recorded under Sections 161 and 164 Cr.P.C. stated that on the basis of her obscene videos applicant and co-accused Ravi Singh Chauhan sexually exploited her but during investigation no such obscene videos or photographs of the informant, i.e., victim could be recovered and this fact suggests that entire allegation made against the applicant and co-accused Ravi Singh Chauhan is totally false and baseless.

7. He next submits that applicant is innocent and the victim, i.e., informant of the case is a major and married lady.

8. He further submits that bail application of co-accused Ravi Singh Chauhan who was named in the FIR has already been granted bail by this Bench on 10.10.2023 vide Criminal Misc.Bail Application No. 38019 of 2023 and the case of applicant is at par with him.

9. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 22.7.2023.

10. Per contra learned AGA as well as learned counsel for the informant although opposed the prayer for bail but could not

dispute the argument on facts advanced by the learned counsel for the applicant.

11. I have heard learned counsel for the parties and perused the record of the case.

12. Considering the fact that name of applicant was disclosed in the FIR as Dharmendra Chauhan and there was also allegation of sexual exploitation against co-accused Ravi Singh Chauhan but he has already been released on bail by this Court, in my view, applicant is also entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

14. Let the applicant-**Ravindra Chauhan** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to

the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 12.10.2023
SKM