

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44878 of 2023

Applicant :- Ramveer

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

Counsel for Applicant :- Sunil Kumar,Hira Lal Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Sri Imran Khan, learned AGA apprised the Court that on 16.10.2023 notice has been served to the informant. Despite service of notice, none appeared on behalf of the informant.
2. Heard Sri Sunil Kumar, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 191 of 2023, under Sections 376/506 IPC and under section 5/6 POCSO Act, Police Station Shamsabad, District Farrukhabad, during pendency of the trial in the court below.
4. FIR of the present case was lodged against the applicant and according to the FIR for last six months, applicant was sexually exploiting the daughter of the informant aged about 14 years and he also continuously committing rape with her.
5. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and due to village parti bandi, applicant has been made accused in the present matter.
6. He further submitted that although according to the prosecution, victim was minor girl below 18 years of age but in spite of that during her medical examination, doctor did not find any injury.
7. He further submitted that there are material contradictions in the statements of the victim recorded during investigation.
8. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since

6.8.2023.

9. Per contra, learned AGA opposed the prayer for bail and submitted that victim is hardly 15-16 years old girl and she in her both the statements recorded during investigation made allegation of rape and sexual exploitation against the applicant and applicant is middle aged person aged about 55 years and therefore, he should not be released on bail.

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

11. Considering the fact that applicant is about 55 years old man and victim is hardly 15 years old girl and she in her both the statements recorded during investigation made allegation of rape against the applicant and applicant could not bring any good reason for his false implication, in my view, applicant is not entitled to be released on bail.

12. Accordingly, the instant bail application stands ***rejected***.

13. 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 :- 6.11.2023

Ankita