

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45860 of 2023

Applicant :- Sonu @ Kushalpal

Opposite Party :- State of U.P.

Counsel for Applicant :- Digvijay Tiwari

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. 269 of 2023 at Police Station-Jawan, District-Aligarh under Sections 376, 506 I.P.C. The applicant is in jail since 11.07.2023.

The bail application of the applicant was rejected by the learned trial court on 25.09.2023.

The following arguments made by Shri Digvijay Tiwari, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Shravan Kumar Dubey, learned AGA for the State from the record, entitle the applicant for grant of bail:

1. The delay in lodgment of the FIR in the facts and circumstances of the case is fatal to the prosecution case.
2. The F.I.R. arises out of a financial dispute between the victim's husband and the applicant.
3. The F.I.R. is lodged for avoiding paying of dues.
4. Medical evidence to corroborate the commission of rape by the applicant with the victim has not been

produced by the prosecution.

5. The applicant does not have any criminal history apart from this case.

6. 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-**Sonu @ Kushalpal** 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 :- 7.11.2023

Jaswant