

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46196 of 2023

Applicant :- Ranjan Kumar Prajapati

Opposite Party :- State of U.P.

Counsel for Applicant :- Vaishali Sahu, Manoj Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Vaishali Sahu, learned counsel for the applicant and Sri Amar Nath Vishwakarma, learned Brief Holder for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 153 of 2023, under Sections 376, 377, 328 and 506 IPC, Police Station Manda, District Prayagraj, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 19.7.2023 against the applicant and according to the FIR, applicant was the friend of the husband of the informant and on 18.6.2023 at about 1:00 pm in the afternoon in the absence of her husband, he came in the house of the informant and provided her cold drink and after consuming the same she lost her conscious and thereafter she raped her and also committed unnatural sexual offences against her.

4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and story narrated by the informant in the FIR as well as in both the statements recorded under sections 161 and 164 Cr.P.C. is highly improbable and no reliance can be placed on her such version.

5. He further submitted that admittedly informant is major and married lady.

6. He further submitted that actually husband of the informant was contractor and applicant is the labour and some dispute arose with regard to the salary between both of them and due to this reason, FIR of the present case was lodged after about a month.

7. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 20.7.2023.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is major and married lady and FIR of the present case was lodged after about one month.

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

10. Considering the fact that victim is major and married lady and FIR of the present case was lodged after more than a month and story narrated by her does not inspire any confidence, in my view, applicant is entitled to be released on bail.

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

12. Let the applicant-**Ranjan Kumar Prajapati** 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.

13. 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.

14. 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 :- 1.11.2023

Ankita