

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45948 of 2023

Applicant :- Mulayam Singh Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Bahadur, Ram Singh, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Anil Srivastava, learned Senior Advocate assisted by Sri Ram Singh, learned counsel for the applicant and Sri Ghanshyam Mishra, learned Brief Holder for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 310 of 2023, under Sections 323, 504, 506, 313, 328, 376 IPC and Section 3/4 D.P. Act, Police Station Govind Nagar, District Kanpur Nagar during pendency of the trial.

3. FIR of the present case was lodged on 20.09.2023 against the applicant and his family members and according to the FIR informant was a divorced lady and in the year 2020 applicant, who was Junior Engineer, came at the house of the informant for checking of her electricity meter and tried to make relationship with her but informant refused and thereafter one day again applicant came at her house and provided her some cold drink and after that she fainted and thereafter he prepared her obscene photo and video and under the threat to viral her video, several times made physical relationship with her.

4. It is further mentioned in the FIR that subsequently the family members of the applicant started demanding Rs. 70 lakhs and jewellery for the marriage of the applicant with the informant.

5. Learned counsel for the applicant submitted that applicant is Junior Engineer in electricity department and entire story narrated by the victim in the FIR and in both the statements recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. appears to be absurd and no reliance can be placed on such version.

6. He further submits that even if entire story is accepted then also it appears that victim was consenting party. He further

submits that although there is allegation of preparation of obscene video and photo against the applicant but during investigation no such video and photo of the victim could be recovered.

7. He further submits that although as per allegation applicant also caused miscarriage of the victim but except the bald and verbal allegation, there is no evidence on record in this regard. He further submits that applicant is government servant and in the present matter he is in jail since 21.09.2023.

8. Per contra, learned Brief Holder appearing for the State although opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

10. Considering the fact that story narrated by the victim does not inspire any confidence and victim appears to be major and divorced lady and after several years FIR of the present case was lodged and applicant is government employee, 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 - **Mulayam Singh Yadav** 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 :- 31.10.2023

AK Pandey