

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47315 of 2023

Applicant :- Rishabh Pandey @ Ankur

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Vajpeyi, Praveen Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Sri Praveen Kumar Singh, learned counsel for the applicant submitted that due to mistake in the prayer clause of the instant bail application alongwith other Sections, "*Section 5056 IPC*" has been mentioned in place of "*Section 506 IPC*", therefore, he may be permitted to make necessary corrections in the prayer clause of the instant bail application.

2. In view of the above, learned counsel for the applicant is permitted to make necessary corrections in the prayer clause of the instant bail application during the course of day itself.

3. Heard Sri Praveen Kumar Singh, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.

4. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 143 of 2023, under Sections 376, 504, 506 IPC, Police Station- Sagra, District- Varanasi, during pendency of the trial in the court below.

5. FIR of the present case was lodged against applicant and his two brothers on 18.06.2023 and according to the FIR, applicant was sexually exploiting the informant for last four years under the false promise of marriage and subsequently refused to perform marriage with her.

6. Learned counsel for the applicant submitted that admittedly informant i.e. victim of the case is major lady and from the FIR and from her both the statements recorded during investigation, it appear that she was consenting party. He further submitted that actually victim and applicant were having good friendship and subsequently some dispute arose between both of them and

thereafter FIR of the present case was lodged.

7. He further submitted that applicant is not having any criminal history and he is in jail since 19.09.2023.

8. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the fact that informant i.e. victim of the case is major lady and FIR of the present case was lodged after four years.

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

10. Considering the fact that victim i.e. informant of the case is major lady and her consent is apparent from the record, 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- **Rishabh Pandey @ Ankur** 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 :- 21.11.2023

KK Patel