

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46359 of 2023

Applicant :- Neeraj Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Mahipal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 243 of 2023 at Police Station-Mandawali, District-Bijnor under Sections 452, 376, 504 IPC. The applicant is in jail since 23.10.2023.

The bail application of the applicant was rejected by the learned trial court on 13.10.2023.

The following arguments made by Shri Mahipal Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Rishi Chaddha, learned AGA from the record, entitle the applicant for grant of bail:

1. Delay in lodgement of the FIR in the facts of the case is fatal to the prosecution case.
2. The victim and the applicant were intimate.
3. The F.I.R. was got registered when their relationship got exposed and to deflect attention from the conduct of the victim.

4. The incident happened at the house of the informant at night. The other family members were not alerted though the incident occurred under their noses. There is no sign of forced entry. The conduct of the victim shows that she was a consenting party.
5. There are WhatsApp chats which record that the victim had persuaded the applicant to meet at her house for a lovers tryst.
6. Medical evidence to corroborate commission of rape by the applicant with the victim has not been produced by the prosecution.
7. The applicant does not have any criminal history apart from this case.
8. 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- **Neeraj Kumar** 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 :- 2.11.2023

Jaswant