

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46941 of 2023

Applicant :- Ranjeet Rajpoot

Opposite Party :- State of U.P.

Counsel for Applicant :- Raghuraj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant and Sri Shashank Shekhar, learned AGA for the State-respondent.
2. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 824 of 2023, under Sections 363, 366 IPC, Police Station Kotwali Auraiya, District Auraiya, during the pendency of trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The victim is a major girl. The victim in her statement under Section 161 Cr.P.C. and section 164 Cr.P.C. stated that she had gone voluntarily with the applicant. There is no allegation of any indecent behaviour or sexual assault against the applicant. The applicant is in jail since 10.09.2023 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the allegations made in the FIR by the informant against the applicant have not been supported by the victim in her statement under Sections 161 Cr.P.C. and Section 164 Cr.P.C. The applicant has no criminal antecedents Further, the applicant has remained confined for more than two months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the

applicant is entitled to be enlarged on bail.

6. Let applicant, ***Ranjeet Rajpoot***, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 23.11.2023

Prajapati