

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47233 of 2023

Applicant :- Ranjit

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Dinesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Sri Pradeep Kumar, learned A.G.A. submits that notice has been served upon the informant on 28.10.2023.
2. Despite service of notice, none has appeared on behalf of the informant.
3. Heard Sri D.K. Singh, learned counsel for the applicant and Sri Pradeep Kumar, learned A.G.A. for the State.
4. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 215 of 2023 under sections 376AB IPC and 5/6 POCSO Act, Police Station Mahavan, District Mathura.
5. FIR of the present case was lodged against the applicant and unknown persons and according to the FIR, on 24.9.2023 at about 8.30 p.m. in the late evening when daughter of the informant aged about eight years was coming back to her home, she was found in an injured condition and it appears that some unknown person committed rape with her.
6. Learned counsel for the applicant submits, applicant was not named in the FIR and during investigation, his name was surfaced and it appears that on the basis of suspicion, he has been made accused in the present matter. However, in both the statements of the victim record under sections 161 and 164 Cr.P.C., she has made allegation of rape against the applicant but she is a minor girl aged about eight years and on the instigation of her parents, she made allegation of rape against the applicant.
7. He further submits applicant is not having any criminal history and he is in jail since 28.9.2023.

8. *Per contra*, learned A.G.A. opposed the prayer for bail and submit that victim is hardly eight years old girl and she in both her statements recorded under sections 161 and 164 Cr.P.C., has made allegations of rape against the applicant and her medical reports also suggest that rape was committed upon her.

9. I have heard both sides and perused the record of the case.

10. Considering the facts that victim was hardly eight years old girl and in both her statements recorded under sections 161 and 164 Cr.P.C., she has made allegations of rape against the applicant and according to the doctor, acute bleeding was present on the private part of the victim, I am of the view that applicant is not entitled to be released on bail.

11. The instant bail application is **rejected**.

Order Date :- 6.11.2023

Madhurima