Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47757 of 2023

Applicant :- Sumit Yadav
Opposite Party :- State of U.P.
Counsel for Applicant :- Sudarshan Singh
Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 319 of 2023 at Police Station-Izzat Nagar, District-Bareilly under Sections 376(2) (n), 376 IPC . The applicant is in jail since 22.09.2022.

The bail application of the applicant was rejected by the learned trial court on 27.03.2023.

The following arguments made by Sudarshan Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I 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 is a divorcee. She became intimate with the applicant and had a consensual physical relationship with him.

3. The F.I.R. is the result of the relationship gone awry.

4. The applicant never gave any plighted word to marry the victim.

5. The criminal proceedings are being leveraged to force the applicant to marry the victim and to extort money from the applicant.

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 cooperate with the court 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- Sumit Yadav 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 :- 8.11.2023

Jaswant

Digitally signed by :-
JASWANT KUMAR
High Court of Judicature at Allahabad