

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47360 of 2023

Applicant :- Hirdesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The FIR in question was lodged on 12.08.2023 alleging that after the death of the husband of the informant, all the family members including the applicant used to harass the informant. It was alleged in the FIR that the father-in-law as well as the applicant used to behave improperly and the allegation of rape against the applicant was also made. It is on record that on 05.08.2023 when the informant had threatened to lodge an FIR for the commission of rape against the applicant, all the family members caused substantial injury by the use of Lathi-Danda.

3. It is argued by the Counsel for the applicant that from the perusal of the FIR, no offence under Section 376 IPC was found to be made out. The Counsel for the applicant draws my attention to the fact that even as per the FIR, the same was lodged after about 7 days of the alleged incident. In the medical report on record, although, a fracture is seen in the medial wall and the same is said to be conducted on 06.08.2023, no plausible explanation for lodging of the FIR after 7 days has been given.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the nature of the allegations *prima facie* scandalous and bald and not even believe by the police authority coupled with the fact that the applicant has no criminal history, I am of the view that the applicant is entitled to be released on bail.

6. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Hirdesh*** be released on bail in FIR/ Case

Crime No.255 of 2023, under Sections 323, 308, 504 IPC, Police Station Etmadpur, District Agra on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

Order Date :- 6.11.2023

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