

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47996 of 2023

Applicant :- Satish Sahu

Opposite Party :- State of U.P.

Counsel for Applicant :- Dewarshi Kumar Rai, Atul Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Sri Dewarshi Kumar Rai, learned counsel for the applicant submitted that due to mistake in the prayer clause of the instant bail application alongwith Sections 376, 452, 506 IPC, "POCSO Act" has been mentioned and when he came to know about this fact then a separate supplementary affidavit has been filed in this regard.

2. In view of the above, learned counsel for the applicant is permitted to make necessary corrections in the prayer clause of the instant bail application during the course of day itself.

3. Heard Sri Dewarshi Kumar Rai, learned counsel for the applicant and Sri Jhamman Ram, learned AGA for the State-respondent.

4. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 126 of 2023, under Sections 376, 452, 506 IPC, Police Station- Lalauli, District- Fatehpur, during pendency of the trial in the court below.

5. FIR of the present case was lodged against applicant on 14.05.2023 and according to the FIR, under the threat to eliminate the husband and children of the informant, applicant made physical relationship with her and he also threatened to viral the obscene videos of the informant and on 10.05.2023, applicant after entering in her house tried to make physical relationship with her but when neighbours gathered then he ran away.

6. Learned counsel for the applicant submitted that on the basis of false allegation, applicant has been made accused in the present matter and even from the perusal of the FIR and statements of the victim recorded under Sections 161 Cr.P.C. and 164 Cr.P.C., it

appears that entire story narrated by her is totally false and baseless and no reliance can be placed on such ridiculous version.

7. He further submitted that admittedly informant i.e. victim of the case is major and married lady. He further submitted that applicant and victim are neighbours and some dispute is pending between both of them and only due to this reason, applicant has been made accused in the present matter.

8. He further submitted that applicant is not having any criminal history and he is in jail since 09.07.2023.

9. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the fact that informant i.e. victim of the case is major and married lady.

10. I have heard learned counsel for the parties and perused the record of the case.

11. However, in the FIR as well as in both the statements of the informant i.e. victim of the case, there is allegation of rape against the applicant but victim i.e. informant of the case is major and married lady and story narrated by her does not inspire any confidence and prima facie, on the basis of such version, at this stage, it cannot be said that applicant committed rape with the victim.

12. Further, applicant is not having any criminal history and he is in jail since 09.07.2023.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

15. Let the applicant- **Satish Sahu** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

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

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 21.11.2023

KK Patel