

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48595 of 2023

Applicant :- Murari Lal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Akhilesh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Supplementary affidavit filed today on behalf of the applicant, is taken on record.
2. Heard Sri Akhilesh, learned counsel for the applicant and Sri Ghanshyam Mishra, learned Brief Holder for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 376 of 2023, under Sections 376 (2)(N), 420, 413, 323, 506 IPC, Police Station Iglas, District Aligarh, during pendency of the trial in the court below.
4. FIR of the present case was lodged against the applicant and others on 4.8.2023 and according to the FIR applicant sexually and mentally exploited the informant and turned her out from his home on 9.7.2023.
5. It is further mentioned in the FIR that by playing fraud applicant developed relationship with the informant and since 2021 he was continuously exploiting her and he was also married man and this fact was not disclosed by him to the informant and also informant was having pregnancy of three months.
6. Learned counsel for the applicant submitted that admittedly informant is a major lady and it is case of live in relationship and for last two years applicant and informant were living together but subsequently some dispute arose between them and thereafter FIR of the present case was lodged.
7. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 19.8.2023.
8. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that informant is major lady and she was living

with the applicant in live in relationship since 2021.

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

10. However, there is allegation of sexual assault and rape against the applicant but it appears that informant of the present case is major lady and for last two years i.e. 2021 she was living with the applicant in live in relationship.

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

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

13. Let the applicant-**Murari Lal**, 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.

14. 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.

15. 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 :- 9.11.2023

Ankita