

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47676 of 2023

Applicant :- Raju Rawat Alias Raju Jadaun

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

Counsel for Applicant :- Utsav

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Utsav, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 356 of 2023, under Sections 376(2)(N), 377, 323, 294, 506 IPC, Police Station Banna Devi, District Aligarh, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 15.6.2023 against the applicant and according to the FIR after arising dispute with her husband informant came close to the applicant and on 9.3.2023 she came at the house of the applicant alongwith her daughter and thereafter applicant started her sexual exploitation under the false promise of marriage and on 23.5.2023 he again committed unnatural sexual offence upon her and when applicant refused to perform marriage with her then informant on 24.5.2023 returned to her paternal home.

4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and baseless and even FIR of the present case was lodged after more than two weeks.

5. He further submitted that even the story narrated by the informant i.e. victim in the FIR and in her both the statements recorded during investigation appears to be improbable and no reliance can be placed on such version.

6. He further submitted that informant is married and major lady and after the dispute with her husband a consensual relationship developed between her and applicant but after sometime she after leaving the applicant started living in her paternal home and thereafter she lodged the FIR of the present case.

7. He further submitted that even from the record, it appears that victim was consenting party.

8. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 7.8.2023.

9. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

11. Considering the fact that victim is major lady aged about 32 years and her consent is quite apparent from the record, 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-Raju Rawat Alias Raju Jadaun 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 :- 8.11.2023/Ankita