

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49029 of 2023

Applicant :- Ankit

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudarshan Singh, Rakesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Shri Sudarshan Singh, learned counsel for the applicant and Shri Brijesh Pratap Singh, learned A.G.A. for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.114 of 2023, under Section 376(2)(N), 323, 504 IPC, Police Station C.B. Gunj, District Bareilly, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 19.04.2023 against applicant and his family members and according to the F.I.R., after the death of the husband of the victim i.e. informant of the case, applicant sexually exploited her and after two years, he refused to perform marriage with her.

4. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and admittedly victim i.e. informant of the case is a major and widow lady and even from the F.I.R. and her both the statements recorded during investigation, her consent is quite apparent. He further submits that actually applicant and victim both were having relationship but subsequently some dispute arose between them

and after two years, F.I.R. of the present case was lodged.

5. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter since 30.06.2023 i.e. for more than four months, therefore, he may be released on bail.

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

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

8. Victim i.e. informant of the case is a major and widow lady and her consent reflects from the record. Further, F.I.R. of the present case was lodged after two years.

9. Further, applicant is not having any previous criminal history and he is in jail in the present matter since 30.06.2023 i.e. for more than four months.

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

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

12. Let the applicant-**Ankit**, 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.

13. 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.

14. 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 :- 17.11.2023

Zafar