

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49100 of 2023

Applicant :- Ravindra Bind

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 Pradeep Kumar, 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.83 of 2023, under Section 328, 365, 120-B, 376(2)(J)(N) IPC, Police Station Dheena, District Chandauli, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant and one another on 09.08.2023 and according to the F.I.R., the wife of the informant had gone from her house but did not return.
4. Learned counsel for the applicant submits that admittedly victim is a married lady and even from her both the statements recorded under Sections 161 and 164 Cr.P.C., it appears that she was consenting party.
5. He next submits that both applicant and victim are married and both of them were in consensual relationship and victim on her own had gone along with the applicant and when applicant refused to perform marriage with her after leaving her family then she started making allegation of rape against the applicant.

6. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter since 14.08.2023 i.e. for more than three months, therefore, he may be released on bail.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that victim is the wife of the informant and even from her both the statements recorded under Sections 161 and 164 Cr.P.C., her consent is reflected.

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

9. From the record, it reflects that victim and applicant both are married persons and from the statements of victim recorded under Sections 161 and 164 Cr.P.C., it appears that physical relationships were developed between applicant and victim with her consent for about a week. However, she in her statement also stated that for about ten days against her wishes, applicant committed rape with her.

10. Further, applicant is not having any previous criminal history and he is in jail in the present matter since 14.08.2023 i.e. for more than three months

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

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

13. Let the applicant-**Ravindra Bind**, 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 :- 20.11.2023
Zafar