

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49768 of 2023

Applicant :- Dileep Rawat

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Indra Pal Singh Rajpoot, Gaytri Rajput

Counsel for Opposite Party :- G.A., Yatish Kumar Dwivedi

Hon'ble Sameer Jain, J.

1. Heard Sri I.P.S. Rajpoot, learned counsel for the applicant, Sri Yatish Kumar Dwivedi, learned counsel for the informant and Sri Imran Khan, learned AGA, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.53 of 2023, under Sections 363, 366 and 376 IPC, Section 3/4 POCSO Act and Section 3(2)(V) SC/ST Act, Police Station Nadigaon, District Jalaun during pendency of the trial.

3. FIR of the present case was lodged against the applicant and two others and according to the FIR, informant was having doubt that applicant and other co-accused persons have enticed away his daughter aged about 17-1/2 years old.

4. Learned counsel for the applicant submits that on the basis of false allegation, FIR of the present case was lodged and this fact is evident from both the statements of the victim recorded under Sections 161 and 164 Cr.P.C.

5. He further submits that victim, i.e., daughter of the informant in her both the statements recorded during investigation categorically stated that she herself had gone along with applicant and also performed marriage with him.

6. He further submits that even as per school record victim was about 17-1/2 years old at the time of incident and during investigation her ossification test was not conducted.

7. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 2.8.2023.

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

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

10. Considering the fact that even as per school record victim was about 17 years old and during investigation her ossification test was not conducted and she in her both the statements recorded under Sections 161 and 164 Cr.P.C. stated that she herself had gone along with the applicant and also performed marriage with him, in my view, applicant is entitled to be released on bail.

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

12. Let the applicant-**Dileep Rawat** 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 :- 7.12.2023
SKM