

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50166 of 2023

Applicant :- Ratan Lal Sonkar

Opposite Party :- State of U.P.

Counsel for Applicant :- Vishal Pandey, Ashvaneer Kumar Srivastav

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 Ashvaneer Kumar Srivastav, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA, for the State.
3. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.469 of 2023, under Sections 376, 506 and 406 IPC, Police Station Shahpur, District Gorakhpur during pendency of the trial.
4. FIR of the present case was lodged on 30.6.2023 against the applicant and according to the FIR, for the last three years applicant was sexually exploiting the informant under the false promise of marriage and duped huge amount of money from her.
5. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and admittedly informant, i.e., victim of the case is a minor girl and her consent is apparent from the record.
6. He further submits that FIR of the present case was lodged after three years.
7. He further submits that actually applicant and victim were in

live-in-relationship but subsequently some dispute arose between both of them and thereafter FIR of the present case was lodged.

8. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 21.9.2023.

9. Per contra, learned AGA although opposed the prayer for bail but he could not dispute the fact that victim is major girl and FIR of the present case was lodged after three years.

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

11. Considering the fact that informant, i.e., victim of the case is major lady and from the record her consent is apparent and FIR of the present case was lodged after about three years, 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-**Ratan Lal Sonkar** 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 :- 8.12.2023
SKM