

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51217 of 2023

Applicant :- Gaffar Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Atmaram Nadiwal, Dinesh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra, J.

Heard Mr. Dinesh Kumar Yadav, the learned counsel for applicant and the learned A.G.A. for State.

Perused the record.

This bail application has been filed by applicant Gaffar Ali seeking his enlargement on bail in Case Crime No. 514 of 2023, under Sections 376 I.P.C. and Sections 3/4 POCSO Act, P.S. Nichlaul, District Maharajganj, during the pendency of trial.

At the very outset, the learned A.G.A. submits that the prosecutrix in her statements under Sections 161 and 164 Cr. P. C. has clearly stated that the modesty of the prosecutrix was dislodged by extending false promise. The prosecutrix is a young girl aged about 15 years as per her statement under Section 161 Cr. P. C. As per the medical report i.e. U.S.G. prosecutrix was found to be in family way. Learned A.G.A. has then referred to the judgement of the Supreme Court in **X Minor Vs. State of Jharkhand and another, 2022 Livelaw SC 19**

He, therefore, contends that in view of above, applicant does not deserve to be enlarged on bail.

When confronted with above, the learned counsel for applicant could not overcome the same. He has, however, tried to justify the prayer for bail with reference to the record.

Having heard the learned counsel for applicant, the learned A.G.A. for state, upon perusal of material brought on record, nature and gravity of offence, evidence, complicity of the accused, accusation made and coupled with the fact that the objections raised by the learned A.G.A. could not be dislodged by the learned counsel for applicant, therefore, irrespective of the submission urged by the learned counsel for applicant, this Court does not find any good or sufficient ground to enlarge the applicant on bail.

As a result, the present bail application fails and is liable to be

rejected.

It is, accordingly, **rejected.**

Order Date :- 13.12.2023

HSM