

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50623 of 2023

Applicant :- Teepu Sultan

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Jatan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Shri Ram Jatan Yadav, 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.736 of 2023, under Sections 376, 506 IPC, Police Station Quarsi, District Aligarh, during pendency of the trial in the court below.
3. FIR of the present case was lodged on 27.07.2023 against applicant and according to the FIR, applicant under the pretext to provide help to the informant i.e. victim of the case in filling her form developed friendship with her and thereafter called her in his house and provided her intoxicated tea and thereafter committed rape with her and threatened her to viral her indecent video and photographs of rape. It is further mentioned in the FIR that applicant is continuously pressurizing the victim to perform marriage with him.
4. Learned counsel for the applicant submits that entire allegations made against applicant are totally false and baseless and actually applicant is a married man and there was no occasion for him to pressurize the victim to perform marriage.

5. He further submits that applicant only provided help to the informant in filling her form but some dispute with regard to money arose between both of them and thereafter, FIR of the present case was lodged after more than a month.

6. He further submits that admittedly victim is a major lady and story narrated by the victim in the FIR as well as in her both the statements recorded during investigation appears to be improbable and no reliance can be placed on such hypothetical version.

7. He further submits that applicant is not having any criminal history and he is in jail in the present matter since 24.09.2023.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that informant i.e. victim of the case is a major lady and FIR of the present was lodged after more than a month.

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

10. However, in the FIR as well as in both the statements of the victim recorded under Sections 161 and 164 Cr.P.C. there is allegation of rape and sexual exploitation against the applicant and in the FIR there is also allegation that applicant threatened the victim to viral her indecent video and photographs but during investigation, no such obscene video and photographs of the victim could be recovered.

11. Further, victim i.e. informant of the case is a major lady and story narrated by her does not appear to be convincing and even from her statements recorded under Sections 161 and 164 Cr.P.C. at this stage, it cannot be said that she was not the consenting party.

12. Further, applicant is not having any criminal history and he is in jail in the present matter since 24.09.2023.

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

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

15. Let the applicant- **Teepu Sultan**, 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.

16. 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.

17. 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 :- 28.11.2023
Zafar