

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4734
of 2023

Applicant :- Vinod Kumar Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Shishir Pradhan,Jaikaran

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Heard Shri Jaikaran, learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.
2. This bail application has been moved by the accused/applicant- **Vinod Kumar Singh** for grant of bail, in Case Crime No.0373 of 2022, under Sections 376, 506 IPC, Police Station Deeh, District Raebareli, during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The FIR of this case was lodged under the orders of the court passed on an application moved by prosecutrix under Section 156(3) Cr.P.C. and the allegations therein have been crafted with the help of a legal professional and the same are highly concocted, improbable and could not be believed.
4. It is further submitted that in the FIR as well as in the statement of the prosecutrix recorded under Sections 161 and 164 Cr.P.C. allegation of sexual assault has been levelled, however, when the prosecutrix was testified before the trial court as P.W.1 she became hostile and did not support the allegations as levelled in the FIR and in her statements recorded under Sections 161 and 164 Cr.P.C.
5. Elaborating further, it is submitted by learned counsel for the applicant that it has been categorically stated by the prosecutrix before the trial court that the sexual assault on her was committed by some unknown persons and as she had a quarrel/ fight with the applicant, the scribe has mentioned the name of

the applicant alleging committing sexual assault on her while the applicant had not committed any sexual assault. The prosecutrix has also disowned her statements recorded under Sections 161 and 164 Cr.P.C.

6. It is further submitted that since the prosecutrix, who was admittedly major, has not supported the version of the prosecution in her statement recorded before the trial court, there is no possibility of conviction of the applicant.

7. It is further submitted that the applicant is in jail in this case since 21.12.2022 and he is not having any criminal history. Charge sheet in this case has already been submitted and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty.

8. Learned A.G.A., however, opposes the prayer for bail but could not dispute the other factual submissions made by learned counsel for the accused-applicant.

9. Having heard learned counsel for the parties and having perused the record, it is evident that the prosecutrix who had levelled the allegations of sexual assault on the applicant in the FIR as well as in her statements recorded under Sections 161 and 164 Cr.P.C. has not supported the allegations while she was testified before the trial court as P.W.1. She has also disowned her statement recorded under Sections 161 and 164 Cr.P.C. The age of the prosecutrix at the date and time of the alleged was incident 20 years. The applicant is not having any criminal history. His presence may be secured before the trial court.

10. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

11. Let the applicant- **Vinod Kumar Singh** involved in the aforesaid case be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence

by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

13. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

14. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

Order Date :- 16.11.2023

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