

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5064 of 2023

Applicant :- Ranjeet

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home, Lko. And 3 Others

Counsel for Applicant :- Vikas Verma

Counsel for Opposite Party :- G.A.,Bharat Kumar Dixit

Hon'ble Mohd. Faiz Alam Khan,J.

1. Heard Shri Vikas Verma, learned counsel for the accused/applicant, Ms. Sakshi Pandey, Advocate holding brief for Shri Bharat Kumar Dixit, learned counsel for opposite party no.2/complainant 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- **Ranjeet** for grant of bail, in Case Crime No. 54 of 2023, under Sections 363, 366, 376 IPC and Section 5/6 Protection of Children from Sexual Offences Act, Police Station Unchahar, District Raebareli, during trial.

3. Learned counsel for the accused-applicant while pressing the bail application submits that the accused-applicant has falsely been implicated in the instant case. The FIR of this instant case has been lodged by the mother of the victim on 7.2.2023 at Police Station Unchhar, District Raebareli alleging therein that the applicant has enticed away her daughter on 6.2.2023 at about 10.00 P.M. On the recovery of the victim/ prosecutrix her statement was recorded under Sections 161 and 164 Cr.P.C. was recorded, wherein she stated to be in love with the applicant from the last 2-3 years and also that it was she who had called the applicant and they had gone to Surat (Gujarat) and also that on 10.2.2023 they solemnized marriage in a Temple and started living as husband and wife.

4. It is vehemently submitted that in the First Information Report as well as in the statement of the prosecutrix recorded under Sections 161 and 164 Cr.P.C. her age has been shown as more than 17 years and as per her educational credentials wherein her age as date of birth has been shown as 4.6.2006, she comes about 16 years and 7 months, thus she was of the age where she may understand her welfare and since the prosecutrix has solemnized marriage with the applicant, the

further detention of the applicant in the prison may ruin their otherwise good matrimonial prospects.

5. It is also submitted that the applicant is in jail in this case since 19.2.2023 and he is not having any criminal history. Charge sheet has already been submitted and no injury or abnormality has been noticed in the medical examination report of the prosecutrix. 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.

6. Learned A.G.A. on the other hand opposes the prayer of the bail of applicant on the ground that the applicant is accused of committing a heinous offence with the girl of tender age and thus he is not entitled to be released on bail.

7. Ms. Sakshi Pandey holding brief for Shri Bharat Kumar Dixit, learned counsel for opposite party no.2, submits that since the prosecutrix has solemnized marriage with the applicant and a settlement has arrived between the families of the applicant and the prosecutrix, she under instructions is not opposing the plea of bail of the applicant and thus she is not having any objection if the facility of bail is being extended to the applicant.

9. Having heard learned counsel for the parties and having perused the record, it is reflected from the record that though the prosecutrix was not major at the time of incident, she appears to be aged about 17 years and thus she was having sufficient intellect to understand her welfare. It has been admitted by prosecutrix in her statement recorded under Sections 161 and 164 Cr.P.C. that she was in love with the applicant for the last 2-3 years from before lodging of the FIR and they had gone together to Surat (Gujarat) and resided there as husband and wife and also to have solemnized marriage with the applicant. The applicant is in jail in this case since 19.2.2023 and he is not having any criminal antecedent. Charge sheet in this case has already been submitted. His presence may be secured before the trial court by placing adequate conditions.

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- **Ranjeet** 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 :- 27.10.2023

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