

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5428 of 2022

Applicant :- Ranjeet Yadav

Opposite Party :- State Of U.P.Thru.Addl.Chief Secy.Dep.Of Home And Others

Counsel for Applicant :- Gyanendra Mishra,Dinesh Kumar Ojha,Rahul Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. This bail application has been filed by the applicant seeking bail in case Crime No. 334 of 2019 under sections 354, 504, 506 I.P.C. and Section 7/8 P.O.C.S.O Act and Section 3 (1) (W) (2) SC/ST Act, P.S.- Lambhua, District- Sultanpur.
3. As per the version in the F.I.R., a 16 year old daughter of the first informant was sexually assaulted by Ranjeet Yadav and one unknown person at 5 AM. on 26.05.2019 when she had gone to a place to collect cow dung cakes. It is alleged in the F.I.R. that rape was committed by both of them on gun point and she was threatened with her life.
4. On the basis of the aforesaid, F.I.R. Case Crime No. 334 of 2019 under sections 376-D, 504, 506 7/8 P.O.C.S.O. Act and 3(2)(V) was registered the statements of the victim under sections 161 and 164 Cr.P.C. were recorded and she was medically examined. After investigation, section 376-D was dropped and accused was charge sheeted under section 354, 504, 506 and section 7/8 P.O.C.S.O. Act.
5. It is contended on behalf of the applicant that false F.I.R. was lodged and that no evidence could be collected by the I.O. as regard the other unknown person who was stated to have been involved in the alleged sexual assault. It is contended that aforesaid factual situation is enough to show that the F.I.R. contains a cooked up story. No evidence of sexual assault was found in the medico-legal. Had it been the case as narrated by the victim in her statements under section 161 and 164 Cr.P.C. the indicators would have been found in the medical examination. False allegation has been imputed because of previous enmity. The victim was found 19 years of age and she refused internal medical examination. It is further contended that the applicant is in jail since 04.04.2022 i.e. more than one and half year now and has no criminal antecedents. It is further contended that the I.O. did not find sufficient grounds to submit charge sheet under section 376-D and that section was dropped which brings whole of the prosecution case under suspicion.
6. The application of bail is opposed by the learned A.G.A. however, certain unanswered questions have been raised which could not be explained satisfactorily by the prosecution. The applicant is in custody since more than one and a half year and that it cannot be said with

certainty that how long will it take the trial to conclude.

7. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment the period of detention already undergone, absence of any previous criminal history and all other relevant facts and circumstances of the case. In my view, a case for bail is made out..

8. Let applicant - **Ranjeet Yadav** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

9. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

10. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 22.11.2023

Sumit Kumar