

**Court No. - 11**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 5293 of 2022

**Applicant :-** Anand Kumar Alias Ravi S/O Dharmdev Kori

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

**Counsel for Applicant :-** Julfikar Ahmad, Mukesh Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Dinesh Kumar Singh, J.**

1. Heard Shri Abhay Rai, learned Advocate holding brief of Shri Mukesh Singh, learned counsel for the applicant, Shri Bhanu Pratap Singh, learned A.G.A for the State and perused the record.
2. The present bail application under Section 439 Cr.P.C. has been filed on behalf of the applicant in Case Crime No.179 of 2021 under Sections 366, 376, 323, 504 and 506 I.P.C., Police Station-Haidarganj, District-Faizabad/Ayodhya, with the prayer to enlarge him on bail.
3. The allegation against the accused-applicant is that he established physical relations with the prosecutrix on the pretext of marrying her and got her pregnant with a child. It is also said that the prosecutrix has given birth to a male child, who is now one year old.
4. Learned Counsel for the accused-applicant submits that the applicant is still willing to marry the prosecutrix and look after her and the minor child, if the accused-applicant is enlarged on bail.
5. The complainant and the prosecutrix has already been examined in the trial court. The accused-applicant is in jail since 07.03.2022.
6. Considering the rival submissions of learned counsel for the applicant and learned A.G.A. for the State and the fact that the accused-applicant is willing to marry the prosecutrix and look after her and the minor child, this Court deems it appropriate to enlarge/release the accused-applicant on bail in the larger interest of the victim and the minor child. The accused-applicant should make sincere efforts to win over the trust of prosecutrix again so that she agrees to marry him.
7. In view thereof, the present application is **allowed**.
8. Let the applicant-**Anand Kumar Alias Ravi S/O Dharmdev Kori**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant shall file an undertaking to the effect that he shall not

seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The applicant should make every endeavor to win over the trust of the prosecutrix and marry her with her consent and he should look after the minor child.

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

**(Dinesh Kumar Singh, J.)**

**Order Date :- 19.6.2023**

Piyush/-