

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5333 of 2023

Applicant :- Rakesh Alias Teetu

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

Counsel for Applicant :- Sudhakar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the accused-applicant as well as Sri Manish Vikram Singh Chauhan, learned A.G.A. and perused the record.

2. This is the third bail application. First and second bail applications got rejected by this Court vide orders dated 29.11.2022 and 21.12.2022 passed in Criminal Mic. Bail Application Nos.3254 of 2022 and 15077 of 2022 respectively.

3. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.351 of 2021, under Sections 354-A, 506, 376 IPC and Section 3/4 POCSO Act, Police Station Maal, District Lucknow.

4. This Court while rejecting the second bail application of the accused-applicant, passed the following order:-

“1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 439 Cr.P.C. has been filed by the applicant Rakesh alias Teetu seeking bail in FIR/ Case Crime No.351 of 2021, under Sections 354-A, 506, 376 IPC and section 3/4, Protection of Children from Sexual Offences Act, 2012, Police Station Maal, District Lucknow.

3. The accused-applicant is Fufa (husband of sister of father of the prosecutrix) who is the complainant. Initially the first information report came to be registered under section 354, 506 IPC and section 7/8 of Protection of Children from Sexual Offences Act, 2012 on the allegation that on 29th August 2021 the accused-applicant had taken the prosecutrix from the house of the complainant and on the way he had few drinks and thereafter he molested the prosecutrix and said that if she tells the incident to anyone he would kill her.

4. The prosecutrix in her statement recorded under section 161 CrPC said that on 29th August 2021 when she was accompanying the accused-applicant, he on the way had drinks and thereafter took the prosecutrix to a Mango Orchard, where he tried to rape her after molesting her. The prosecutrix anyhow ran away from there. She tried to hide herself, but the accused-applicant caught hold of her again. The accused-applicant threatened the prosecutrix that if she discloses this incident to anyone, he would kill her.

5. In her statement recorded under section 164 CrPC the prosecutrix has alleged commission of offence of rape by the accused-applicant on her.

6. Considering the relationship of Trust between the prosecutrix and the accused-applicant and the fact that the prosecutrix was 13 years old girl, when she was sexually assaulted by the accused-applicant, this court does not deem it appropriate to enlarge the accused-applicant on bail. The bail application is hereby rejected.

7. At this stage the learned counsel for the accused-applicant submits that the trial court has recorded the evidence of the witnesses of fact.

8. In view thereof the trial court concerned is directed to conclude the trial expeditiously, preferably within a period of six months.

9. Let a copy of this order be transmitted to the trial court concerned for compliance.”

5. There is no changed circumstance, which warrant this Court to enlarge the accused-applicant on bail.

6. Third bail application is accordingly rejected.

Order Date :- 13.7.2023

Rao/-