

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6597 of 2023

Applicant :- Jitendra Singh Khorwal

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

Counsel for Applicant :- Satendra Kumar (Singh), Abhishek Misra, Charan Pratap Singh, Himanshu Kumar Bachhil, Jitendra Vikram, Nalin Arora, Satendra Kumar (Singh), Vinay Krishna Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. In pursuance of the earlier order of this Court, the applicant/accused, namely, Jitendra Singh Khorwal has been presented from prison by Sub Inspector Ramapati Singh and Head Constable Sishupal Singh of Police Station Police Line, Lucknow.
2. During interaction with the applicant, he submits that he is ready to solemnize marriage with the prosecutrix/victim.
3. The victim/prosecutrix, namely, Sneha Singh is also present before this Court in person. 'Aadhar Card' of the prosecutrix/victim is taken on record. She informs this Court that she is also ready to solemnize marriage with the applicant.
4. Heard Shri Satendra Kumar (Singh), learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
5. This bail application has been moved by the accused/applicant- **Jitendra Singh Khorwal** for grant of bail, in F.I.R./Case Crime No. 64 of 2022, under Section 376 and 313 I.P.C., Police Station Madeyganj, District Lucknow, during trial.
6. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The allegation, as levelled in the first information report as well as in the statement of the prosecutrix recorded under Section 161 and 164 Cr.P.C. are absurd and could not be believed. It is also submitted that it is a case of 'consent' and since the prosecutrix was a consenting party, no offence may be attributed to the applicant, moreso, when no abnormality or any

injury, etc. has been found on the person of the prosecutrix.

7. It is further submitted that now the parties have set at rest their dispute and they have decided to solemnize marriage and since both the parties are major and they are ready to solemnize marriage and they want to remain in peace in future as a happy married couple, the facility of bail be extended to the applicant.

8. It is next submitted that the parties are ready to solemnize marriage within one month from today. Applicant is languishing in jail in this case since 11.04.2023 and he is not having any criminal history and there is no apprehension that after being released on bail he may flee from the course of law or may otherwise misuse the liberty.

9. Learned A.G.A. on the other hand submits that since the parties are major and they have decided to solemnize marriage, appropriate decision be taken by the Court.

10. Having heard learned counsel for the parties and having perused the record and keeping an eye on the fact that the allegations against the applicant were levelled to the tune that he has committed sexual assault by extending false promise of marriage and also keeping in view that on the date of first occurrence the parties were major and the fact that applicant as well as the prosecutrix, who are present personally before this Court, have showed their willingness to solemnize marriage within one month from the release of applicant from prison, without discussing anything on merits, in the considered opinion of this Court, having regard to the decision taken by the parties to solemnize marriage, the applicant may be granted concession of bail. The bail application moved by the applicant is **allowed**.

11. It is expected that applicant and prosecutrix will solemnize marriage within one month of the release of the applicant from prison.

12. Let the accused/applicant- **Jitendra Singh Khorwal** involved in above-mentioned case, be released on bail on his 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.

13. The violation of any condition mentioned herein-before, would be a sufficient ground for the trial Court to cancel the facility of bail extended to the applicant by this Court.

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

15. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression on the merits of the case.

Order Date :- 12.12.2023

Praveen