

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7672 of 2023

Applicant :- Raghav Tiwari

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. U.P. Lko. And 4 Others

Counsel for Applicant :- Amit Kumar Awasthi, Shubham Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel for the accused-applicant, Dr. Surendra Singh, learned Additional Government Advocate, as well as Mr. Sanjay Singh Chauhan, Advocate, who has put in appearance and filed his Vakalatnama on behalf of the informant, and gone through the entire record.

2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.070 of 2023, under Sections 376DA/363/323/324/506 and 342 IPC read with Section 5G/6 The Protection of Children from Sexual Offences Act lodged at Police Station Kotwali Sadar, District Kheri.

3. The present accused-applicant and other co-accused forcibly took the two victims, aged around 13 years, studying in Class-VII, on a Scooty to a room near Vardan Hospital, Sitapur Road; both the accused threatened and assaulted the two victims and raped them; the medical evidence of one of the victims fully supports the prosecution story.

4. The age and class of the victims are not disputed. Statement of the victims recorded under Section 164 CrPC also support the prosecution case.

5. Considering the age of the victims, the medical evidence and statements of the victims recorded under Section 164 CrPC, this Court does not deem it appropriate to enlarge the accused-applicant on bail at this stage, and, therefore, his bail plea is hereby **rejected**. However, the accused-applicant may revive the same once the victims are examined in the Court by placing their evidence on record.

[D.K. SINGH, J]

Order Date :- 19.6.2023MVS/-