

Court No. - 15

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11616 of 2022

Applicant :- Vinay Singh Alias Vinay Singh Chauhan Alias Yash Singh

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

Counsel for Applicant :- Bhairav Datt Sharma, Dinesh Chandra Tewari, Gopesh Tripathi

Counsel for Opposite Party :- G.A., Mohd. Rafi Khan

Hon'ble Umesh Chandra Sharma, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

The instant application for bail has been moved on behalf of the applicant, Vinay Singh Alias Vinay Singh Chauhan Alias Yash Singh with the prayer to enlarge him on bail in Case Crime No.0516 of 2022, under Sections 376, 504, 506 IPC, Police Station Gomti Nagar, District Lucknow, during pendency of the trial.

Learned counsel for the applicant has submitted that the first information report is based on false and fabricated facts. The accused/applicant is innocent who has been falsely implicated in this case. He has also submitted that the victim/informant is an adult lady; she was in the friendship with the applicant since 2016-17. In the statement of the victim recorded under Section 164 CrPC she has levelled allegations that the applicant made a video clip of their private moments and on the pretext thereof he used to blackmail her, but neither any such video clip has been found nor has been submitted as evidence by the investigating officer. He further submitted that from the

whatsapp chatting between the parties it is very much clear that the victim was demanding money from the applicant and upon non-fulfilment of which this FIR was lodged.

Learned counsel for the applicant further submitted that prior to the FIR lodged by the informant the applicant has given an information regarding threat of false implication in rape cases or by committing suicide by the informant if no money was provided to her. He then submitted that the victim has levelled allegation of rape against the applicant but she did not come forward for medical examination which shows that no rape had been committed upon her. He next contended that in her statement under Section 161 CrPC the victim herself admitted to be a major and was in friendship with the applicant and maximum it can be argued that it was a voluntarily physical relation between both the parties without any fear but with free will. He also contended that the applicant was the student of Bhatkhande Sanskriti Vishwavidyalaya, Lucknow wherefrom he was expelled on the complaint of the victim. Learned counsel for the applicant has also submitted that the accused/applicant is languishing in jail since 10.08.2022. He further contended that there is criminal history against the applicant of one case being Case Crime No.328 of 2018, under Sections 323, 342, 452, 506 IPC, Police Station Sarojani Nagar, District Lucknow which has been explained in para-11 of the rejoinder affidavit in which the applicant was enlarged on bail by the trial court on 16.11.2022. His further submission is that in case the applicant is enlarged on bail, he will not misuse the liberty of bail and he will also fully cooperate with the trial court in getting the trial concluded expeditiously. He has also submitted that the applicant will not intimidate or pressurize the witnesses or any other persons acquainted with the facts of the present case.

Per contra, learned AGA has vehemently opposed the prayer for bail and argued that in the statement of the victim under Section 164 CrPC she has supported the prosecution version but he could not contradict the facts regarding adulthood of the victim; her friendship with the accused; the fact that victim, blackmailing the accused, demanded money from him; the prior information given by the accused to the police regarding threat of his false implication by the victim in rape case or by committing suicide; and the fact that the victim denied to undergo medical examination.

Having heard learned counsel for applicant, learned AGA for State and upon consideration of evidence on record, accusations made as well as complicity of applicant but without expressing any opinion on merits of the case, applicant has made out a case for bail.

Accordingly, the bail application is allowed.

Let the applicant - **Vinay Singh Alias Vinay Singh Chauhan Alias Yash Singh** be released on bail in the aforesaid case on his furnishing a personal bond and two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial;
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment;
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail;

4. The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

5. The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence, in case the witnesses are present in court;

6. The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court, default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

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

It is made clear that the trial of the aforesaid case shall be conducted without being influenced by any observation made herein above which are confined to the disposal of the instant application for bail.

Order Date :- 1.6.2023
Shahroz