

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11086 of 2023

Applicant :- Ravi Shankar

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

Counsel for Applicant :- Kumar Ayush

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Shri Kumar Ayush, learned counsel for the applicant and learned A.G.A. appearing for the State.
2. The present bail application has been filed by the applicant seeking bail in case crime no.118 of 2023 under Sections 363, 366, 376 I.P.C. and 3/4 P.O.C.S.O. Act registered at Police Station- Dahi, District- Unnao.
3. As per version of the F.I.R., 16 years old daughter of first informant was abducted by the accused-Ravi Shankar.
4. It is contended on behalf of the applicant that not only in the statements under Section 161 and 164 Cr.P.C. made by the victim, she has stated herself as adult, 19 years old to be precise, but even her radiological age was found to be 19 years. She has, in her statements under Section 161 and 164 Cr.P.C. imputed no allegations of the nature bringing the case within four corners of the offences as alleged by the prosecution. She has said that her marriage was settled with the accused, however, later on the relatives of the victim dragged their feet back, therefore, she out of her own volition entered into marriage alliance with him at Chandigarh. She further said that the moment she came to know about F.I.R. lodged by her mother against her husband, she came to concerned police station for getting her statement recorded. It is further said that the so-called accused and the victim are husband and wife and have been staying together peacefully but this F.I.R. has been lodged as her parents did not approve of their alliance. It is also contended that there is nothing to suggest that she is minor and chargesheet has been submitted under Sections 363, 366, 376 I.P.C. and 3/4 P.O.C.S.O. Act in a high handed manner. There is no substance in the prosecution case.
5. The application for bail is opposed by learned A.G.A., however, it is conceded by him that victim has stated her age as 19 years and the medical evidence too supports this statement.
6. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.
7. Let applicant - **Ravi Shankar** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

Order Date :- 16.11.2023.

-Amit K-