

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13079 of 2022

Applicant :- Karan Yadav @ Ramkaran

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

Counsel for Applicant :- Farooq Ayoob

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Mohd. Ashraf holding brief of Sri Farooq Ayoob, the learned counsel for the applicant, Ms. Charu Singh, the learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 83 of 2022, under Sections 377, 506 IPC, 3/4 POCSO Act & 3(2)(v) SC/ST Act, Police Station Jahangirabad, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.04.2022 stating that the informant's son aged about 18 years was unwell and she took her to a doctor. After coming back, her son told her that the applicant had forcibly sodomised him on 11.04.2022 when he was returning after bathing in a canal at about 01:00 p.m.
4. In the statement of the victim recorded under Section 161 Cr.P.C., he categorically stated that when he was returning after bathing in a canal, the applicant had sodomised him, made him perform oral sex and he had threatened him.
5. In the medico legal examination of the victim an abrasion has been found present around the victim's anus. The victim has reiterated his earlier version while recording his statement before the Magistrate.
6. The learned counsel for the applicant has submitted that there is some discrepancy in the version of the incident given in the FIR and in the statement of the victim recorded under Sections 161 and 164 Cr.P.C.
7. Since the victim himself is not the informant some discrepancy in the description of incident in the FIR may occur and it is natural.

8. The State has filed a counter affidavit opposing the bail application and copy of material collected during investigation has been annexed with the counter affidavit.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the victim is a 10 years boy who has described the incident before the Investigating Officer as also before the Magistrate and there is no discrepancy in the version of the incident given by the victim on two occasions and that the allegations are supported by the medico legal examination report of the victim, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on bail.

10. In view of the above, the bail application of the applicant is **rejected**.

Order Date :- 29.11.2023

Pradeep/-