

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12137 of 2023

Applicant :- Pravesh Kumar Yadav

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

Counsel for Applicant :- Vikas Verma

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Heard learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.
2. This bail application has been moved by the accused/applicant- **Pravesh Kumar Yadav** for grant of bail, in Case Crime No. 114 of 2023, under Sections 323, 376, 427, 506 IPC, Police Station Hansvar, District Ambedkar Nagar, during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that the accused-applicant has falsely been implicated in the instant case and he has not committed any offence as claimed by the prosecution.
4. It is further submitted that a minor incident of scuffle has been given the colour of sexual assault and the prosecutrix/victim is in a habit of lodging false cases and in this sequence, one more case was earlier lodged against the applicant by the prosecutrix/victim.
5. It is further submitted that all the allegations levelled in the FIR are patently false and concocted and could not be believed, as the FIR has been lodged with considerable delay and it has not been explained either by the prosecutrix/victim or the prosecution. It is also submitted that there are material contradictions in the statements of the prosecutrix/victim recorded under Sections 161 & 164 CrPC.
6. It is further submitted that the applicant is in jail in this case since 4.7.2023 and criminal history of two cases has been explained. Since the applicant has not received any process of the court and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty.

7. Learned A.G.A., on the other hand, submits that the applicant is an accused of committing an heinous offence. Thus, the applicant is not entitled for any relief.

8. Having heard learned counsel for the parties and having perused the record, it is evident that prior to the lodging of the instant FIR, one more FIR bearing Case Crime No. 175 of 2020 was lodged by the prosecutrix/victim against the applicant, wherein also the allegations of molestation were levelled against the applicant. So far as the instant case is concerned, it has been alleged that the applicant was in a habit of teasing the prosecutrix/victim and on 12.6.2023 at about 6.00 pm, when the prosecutrix/victim was going to pursue her earlier case, an unknown Bolero vehicle stopped and they enquired about the applicant. The applicant annoyed by this started assaulting the prosecutrix/victim and also subjected her to rape. The allegations of the FIR have been corroborated by the prosecutrix/victim by her statements recorded under Sections 161 & 164 CrPC. Significantly, in the medical examination report of the prosecutrix/victim prepared after her medical examination on 22.6.2023, three injuries have been noticed on her person and one of the injury is multiple nail abrasions found below her left breast.

9. In the considered opinion of this Court, the allegations of sexual assault coupled with the injury no. 2 i.e., multiple nail abrasions below her breast appears to be sufficient enough to persuade this Court not to exercise discretion in favour of the applicant. In result, the bail application moved on behalf of the applicant is ***rejected***.

10. However, the trial court is directed to make all out efforts to conclude the trial within one year without granting soft adjournments to either parties.

Order Date :- 8.12.2023

Shravan