

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12613 of 2023

Applicant :- Ramjeet Verma

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

Counsel for Applicant :- Anand Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Counter affidavit filed by the State is taken on record.
2. Heard Shri Anand Kumar, learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.
3. The State with his counter affidavit dated 21.11.2023 has enclosed a communication sent by the S.H.O. Police Station Jethwara placed at C.A. 1, thus the opposite party no.2 appears to have been sufficiently served but he is not represented.
4. This bail application has been moved by the accused/applicant- **Ramjeet Verma** for grant of bail, in Case Crime No. 39/2023, under Sections 363, 366, 376 IPC and 3/4 POCSO Act, Police Station Jethwara, District Pratapgarh, during trial.
5. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The First Information Report of this case was lodged by the father of the prosecutrix on 3.3.2023, alleging therein that on 27.2.2023 at about 6.30 A.M. his daughter had gone to her school and from there she was enticed away by the applicant and had also taken with her Rs. 22,000/- cash and some other documents as well as a Mobile Phone. The prosecutrix was recovered and her statements were recorded under Sections 161 and 164 Cr.P.C., she in her statements recorded by the Investigating Officer as well as before the Magistrate has categorically stated that she had gone with the applicant with her free wish and will and consent and had also solemnized marriage with him on 4.3.2023 and thereafter they were living as husband and wife and sexual relations between them had also been established with her consent.

6. It is vehemently submitted that the age of the prosecutrix determined through ossification test is 18 years while as per her educational credentials her age is about 17 years and 4 months at the date and time of the incident, thus she appears to be a major and since she has not alleged any allegation against the applicant, no offence in fact has been committed by the applicant, moreover the prosecutrix has refused to undergo medical examination. Thus, there is absolutely no evidence available against the applicant and it appears that only on account of the averment made by the prosecutrix that she had solemnized marriage with the applicant, the charge sheet has been filed. The applicant is in jail in this case since 19.05.2023 and he is not having any criminal antecedent. Charge sheet in this case has already been submitted 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., however, opposes the prayer for bail but could not dispute the other factual submissions made by the learned counsel for the accused-applicant.

8. Having heard learned counsel for the parties and having perused the record, it is reflected that as per ossification process her age is assessed as 18 years while as per educational credentials she comes of about 17 years and 4 months. The prosecutrix in her statements recorded under Sections 161 and 164 Cr.P.C. has not imputed any allegations against the applicant and specifically stated that she has cohabited with the applicant with her consent and free wish and will. The applicant is in jail in this case since 19.05.2023 and he is not having any criminal antecedent. Charge sheet in this case has already been submitted. His presence may be secured before the trial court by placing adequate conditions.

8. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Ramjeet Verma** involved in the aforesaid case be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the

investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

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

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

12. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

Order Date :- 23.11.2023

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