

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12829 of 2023

Applicant :- Kalawati

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

Counsel for Applicant :- Aman Kumar Shrivastav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Aman Kumar Shrivastav, learned counsel for the applicant as well as Sri Anant Pratap Singh, learned A.G.A. 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. 29 of 2023, under Section 366-A I.P.C. and Section 17/18 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station- Padua, District- Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.07.2023 alleging that on 24.07.2023, the informant had to go away along with his wife, he had requested his aunt- (the applicant) to take care of his daughter and let her sleep at her home. During night, the co-accused Ramakant took the informant's daughter away from the *verandah* to a room and raped her. When the victim complained about it to the applicant, she asked her not to disclose this fact to her parents, else she would be defamed.

4. In the statement of the victim recorded under Section 161 Cr.P.C., she supported the F.I.R allegations and said that the co-accused took her to a room and committed the misdeed with her. She did not allege use of force by the co-accused and any involvement of the applicant in commission of the offence.

5. In the statement of the victim recorded under Section 164 Cr.P.C., she changed her version and stated that she had raised an alarm, the applicant woke up, but did nothing.

6. In the affidavit filed in support of bail application it has been stated that the applicant has been falsely implicated in the present case and she has no previous criminal history.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case, coupled with the fact that the applicant is a woman having no previous criminal history and she is languishing in jail since 03.08.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant- Kalawati** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023
Gurpreet Singh