

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13383 of 2023

Applicant :- Navneet Singh

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Lko. And 3 Others

Counsel for Applicant :- Dr. Ajai Pratap Singh Chauhan

Counsel for Opposite Party :- G.A., Neeraj Kumar Rai, Shachindra Pratap Singh, Sachindra Pratap Singh

Hon'ble Mohd. Faiz Alam Khan, J.

1. Rejoinder affidavits filed on behalf of the applicant are taken on record.
2. Heard Dr. Ajai Pratap Singh Chauhan, learned counsel for the accused-applicant as well as learned A.G.A. for the State, Shri Neeraj Kumar Rai, learned counsel for the opposite party no.4/complainant and perused the record.
3. This bail application has been moved by the accused/applicant- **Navneet Singh** for grant of bail, in Case Crime No.302 of 2023, under Sections 376-D, 504, 506 I.P.C., 3/4 of the P.O.C.S.O. Act and 3(2)(V) & 3(2)(VA) of the S.C./S.T. Act, Police Station Pihani, District Hardoi, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.
5. It is further submitted that F.I.R. of this case has been lodged by moving an application under Section 156(3) Cr.P.C. and the allegations levelled therein have been aggravated with the help of legal professional. It is also submitted that the application under Section 156(3) Cr.P.C. has been moved on 23.05.2023 while the occurrence is shown to have taken place on 22.04.2023. It is further submitted that the occurrence is of broad day light where normally common villagers must remain present. It is also the case of the prosecution that alarm was raised not only by the prosecutrix but also by her mother, however, there is no independent witness of the crime.
6. It is further submitted that apart from the statements of the

prosecutrix and informant, who are interested witnesses, there is no material, evidence or witness, who has corroborated the allegations as levelled by the prosecutrix in her statements recorded under Sections 161 and 164 Cr.P.C. It is also submitted that there are material contradictions in the statements of the prosecutrix recorded under Sections 161 and 164 Cr.P.C. Medical report of the prosecutrix is clean. Criminal history of one case has been adequately explained in rejoinder affidavit filed today.

7. It is next submitted that applicant is in jail in this case since 13.07.2023 and charge-sheet in this case has already been submitted and there is no apprehension that after being released on bail the applicant may flee from the course of law or may otherwise misuse the liberty.

8. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and having regard to the material/evidence available against the applicant, he is not entitled to be released on bail, but could not controvert the other factual submissions made by learned counsel for the applicant.

9. Shri Neeraj Kumar Rai, learned counsel for the opposite party no.4/complainant vehemently opposes the prayer of bail of the applicant on the ground that the applicant and his family members are muscle persons and the offence has been committed by them in broad day light and the local police in connivance with them has not registered the F.I.R. compelling the prosecutrix/informant to approach the court by moving an application under Section 156(3) Cr.P.C. Thus having regard to the allegations levelled against the applicant as well as the age of the prosecutrix, the applicant is not entitled to be released on bail.

10. Having heard learned counsel for the parties and having perused the record, it is evident that the prosecutrix is shown to be aged about 17 years, 11 months and 21 days at the date and time of the alleged incident. F.I.R. of this case is shown to have not registered by the local police and the same was registered after intervention of the court under Section 156(3) Cr.P.C. The prosecutrix has supported the allegation of rape in her statements. The defence of the applicant appears to be that on account of previous enmity, this false case has been cooked up by the informant/prosecutrix against the applicant. Material contradictions have been highlighted in order to show that the occurrence is highly improbable and the occurrence is of broad day light. Medical report of the prosecutrix is clean. Charge-sheet in this case has already been filed. Applicant is in jail in

this case since 13.07.2023. Criminal history of one case, which is pertaining to minor penal offence, has been adequately explained. The presence of the applicant could be secured before the trial court by placing adequate conditions.

11. Having regard to the overall facts and circumstances of the case and 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 of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

12. Let the accused/applicant- **Navneet Singh** involved in above-mentioned case, be released on bail on his 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.

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

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

15. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

Order Date :- 21.12.2023

Anupam S/-