

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2610 of 2023

Applicant :- Ram Kumar Verma @ Ram Kumar

Opposite Party :- State Of U.P Thru. Addil, Chief Secy, Deptt,
Home Civil Sectr. Lko. And Another

Counsel for Applicant :- Purshottam Chaurasia, Prashant
Kumar Chaurasia

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Purshottam Chaurasia, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, the learned Additional Government Advocate appearing on behalf of the State, Sri Mool Chand, the learned counsel for the informant and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 166 of 2023, under Sections 376, 504 & 506 IPC, Police Station Kohandaur, District Pratapgarh.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.09.2023 alleging that when the informant's daughter and daughter-in-law had gone to attend the call of nature, the applicant forcibly took the informant's daughter near a tank of a pumping set, torn her cloths and raped her. After witnessing the incident, the informant's daughter-in-law ran to the informant's house raising a hue and cry and when several persons reach on the spot the applicant ran away.

4. In the affidavit filed in support of the application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.

5. The learned AGA and the learned counsel for the informant have vehemently opposed the anticipatory bail. The learned AGA has produced relevant extract of the case diary for perusal of the Court. In the statement of the victim recorded under Section 161 Cr.P.C., she stated that she is aged 20 years, the applicant had raped her 3-4 times on one occasion about a month ago and on the date of incident, he had raped her 4-5 times. Her sister-in-law, who was accompanying her, ran away

thereafter.

6. The victim was produced for medico legal examination and the doctor has recorded that merely an attempt was made to commit rape against the victim. The doctor has further recorded that the victim was changing her version repetitively.

7. In the statement of the victim recorded under Section 164 Cr.P.C., she did not level allegation of commission of rape.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the aforesaid discrepancies in the version of the incident at various stages and also the observations of the doctor recorded in the medico legal examination report that the victim was repetitively altering her version and that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant during pendency of the trial.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Ram Kumar Verma @ Ram Kumar** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 9.11.2023

Pradeep/-