

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2630 of 2023

Applicant :- Rohit Kumar

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Lok Bhawan Lko. And
Another

Counsel for Applicant :- Rakesh Chandra Rastogi, Chenawati

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rakesh Chandra Rastogi, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned Additional Government Advocate appearing on behalf of the State 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.815 of 2022, under Sections 498A, 323, 504, 506, 354, 376D, 452, 352 I.P.C., registered at Police Station Kotwali, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.10.2022 against the applicant, his father, mother and brother, alleging that the victim got married to Bablu @ s/o Bhagauti Prasad on 17.07.2016; her husband did not keep good health and the accused persons used to do obscene activities with the informant. In April, 2021, the informant's father-in-law raped her and thereafter she was turned out of her matrimonial home. Informant's father-in-law raped her again on 20.08.2023 in her parents home.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case. Applicant's father, Bhagwati Prasad against whom allegation of rape had been leveled, has already been granted bail by this court vide order dated 13.02.2023 passed in CRIMINAL MISC BAIL

5. In the medico legal examination report of the victim no mark of injury or any abnormality has been reported.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR alleges commission of obscene activities by the applicant, without mentioning the date of the incident or other particulars; that co-accused against whom allegation of rape has been leveled has already been granted bail, coupled with the fact 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.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Rohit Kumar** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail 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;

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(Subhash Vidyarthi, J.)

Order Date :- 9.11.2023
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