

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2734 of 2023

Applicant :- Siddharth Alias Siddharth Bhim Bauddh

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

Counsel for Applicant :- Manoj Kumar Mishra, Piyush Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. The advocates are abstaining from judicial work today. However, as the question of personal liberty of the applicants is involved in the present case, I proceed to examine the merits of the case after perusal of record and with the assistance of Sir Anant Pratap Singh, learned A.G.A appearing on behalf of the State.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 347 of 2023, under Sections 376, 506 I.P.C., registered at Police Station Kotwali Dehat, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.09.2023 stating that the applicant is continuously raping the informant repetitively for the past two years under a false promise of marrying her but thereafter he had declined to marry her.

4. In the statement of the victim/informant recorded under Section 161 Cr.P.C., she stated that her age is 21 years and she reiterated the F.I.R allegations.

5. The victim declined to undergo medico legal examination.

6. In the statement of the informant recorded under Section 164 Cr.P.C., she stated that she knows the applicant for the past two years. He had made physical relations with her about two years ago under a false promise of marrying her. He had again made physical relations with her about 8-9 months ago but the victim did not mention about the place of incident. She stated that the applicant had kept her with him for about 15 days but she stated that she did not know as to

whether her family members had made a search for her or not. After 15 days, the applicant had left her back at her aunt's home. She further stated that the applicant had made physical relations with her behind her home in the month of April. Her younger brother had witnessed the incident and had called the police.

7. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in another case has been disclosed in para 39 of the affidavit, in which he has been granted bail.

8. The applicant had claimed that several persons, including the mother of the informant, were demolishing his wall on 14.09.2023 and when he opposed, the aforesaid persons had beaten him. An application is claimed to have been given to the Superintendent of Police in this regard on 14.09.2023 itself and copies of postal receipts have been annexed with the affidavit to claim that the application had actually been sent.

9. A copy of the injury report of the applicant had also been annexed with the affidavit, which indicates that he has suffered numerous injuries and he has suffered a fracture also.

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

11. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant is major and yet as per her version, she made physical relations with the applicant without a marriage having been solemnized between them; that the applicant claims a property dispute between the parties due to which he was beaten up and has suffered numerous injuries in the incident; that the victim has declined her medico legal examination 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.

12. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant-**Siddharth Alias Siddharth Bhim Bauddh** 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;

(Subhash Vidyarthi, J.)

Order Date :- 1.12.2023
Preeti.