

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14156 of 2023

Applicant :- Parshu Ram

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lko.

Counsel for Applicant :- Narendra Pratap Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Heard Shri Narendra Pratap Mishra, learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.

2. This bail application has been moved by the accused/applicant- **Parshu Ram** for grant of bail, in Case Crime No. 373/2023, under Sections 376-D, 504, 506 IPC, Police Station Uchahar, District Raebareli, during trial.

3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The First Information Report of this case has been lodged by the prosecutrix by moving an application under Section 156(3) Cr.P.C. and the allegations mentioned therein have been aggravated with the help of a legal professional, while no such incident shown in the application under Section 156(3) Cr.P.C. had occurred .

4. It is further submitted that story as cooked up by the prosecutrix is highly improbable and could not be believed on the touch stone of probability, more-so, the age of the applicant is 60 years and the prosecutrix is aged about 30 years.

5. It is also highlighted that the Investigating Officer has perused the medical report of the prosecutrix and has also recorded after perusal in the case diary, wherein it is mentioned that the prosecutrix has informed the doctor that nothing has occurred with her and thus it is evident that the applicant has been falsely implicated in this case.

6. It is also submitted that the applicant is in jail in this case since 05.08.2023 and he is not having any criminal antecedent. Charge sheet in this case has already been submitted and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse

the liberty.

7. Learned A.G.A., however, opposes the prayer for bail but could not dispute the other factual submissions made by the learned counsel for the accused-applicant.

8. Having heard learned counsel for the parties and having perused the record, it is evident that First Information Report of this case has been lodged under the orders of the court by moving an application under Section 156(3) Cr.P.C. The defence of the applicant that the application moved under Section 156 (3) Cr.P.C. has been drafted by a legal professional and the offence therein has been aggravated. The case diary, extract of which has been placed at page no.32 of the paper book has been highlighted, wherein the prosecutrix has informed the doctor that nothing wrong has occurred with her. The prosecutrix has also refused to undergo any medical examination on the pretext that the incident is very old. There are only and only the statements of the prosecutrix in support of the allegation of rape. The applicant is in jail in this case since 05.08.2023 and he is not having any criminal antecedent. Charge sheet in this case has already been submitted. His presence may be secured before the trial court by placing adequate conditions.

9. 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 and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Parshu Ram** involved in the aforesaid case be released on bail on 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.

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

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

13. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

Order Date :- 6.12.2023

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