

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14212 of 2023

Applicant :- Ram Khelawan

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

Counsel for Applicant :- Manisha Trivedi, Vanshraj Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms Manisha Trivedi, learned counsel for the applicant, Sri Mohd Arif Khan, the learned A.G.A. for the State and Sri Amit Kumar, learned counsel for the informant and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.259 of 2021, under Sections 325, 376, 504 I.P.C., registered at Police Station Auras, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.08.2021 against four persons, including the applicant, on the basis of an application under Section 156(3) Cr.P.C., alleging that informant's father-in-law was putting up a *khunta* in front of his house and the residents started object against it and they abused and beaten up the informant's father-in-law. When the informant and other persons tried to intervene, they were also beaten up. When the informant had gone to attend the call of nature in the evening on the same day, the accused persons dragged her behind a primary school and raped her.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case because of a property dispute between the parties who belong to the same family and he has no criminal history.
5. In the statement of the victim recorded under Section 164 Cr.P.C., she stated that it was dark at the time of the incident and she had been blind folded. However, she identified the accused persons on the basis

of their cloths.

6. Allegation of rape is not supported by finding of any medico legal examination report.

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

8. Having considered the aforesaid facts and circumstances of the case and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant-Ram Khelawan** be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 4.12.2023
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