

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2819 of 2023

Applicant :- Sonu @ Suneel Kumar

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

Counsel for Applicant :- Rajat Pratap Singh,Raj Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajat Pratap Singh, the learned counsel for the applicant as well as Sri Amitach Chaturvedi, learned A.G.A. 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. 430 of 2023, under Sections 323, 354, 506, 376 I.P.C., registered at Police Station Manjhila, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.10.2022 stating that when the informant was going with the applicant on his motorcycle at about 09:00 pm on 27.09.2023, the applicant molested her and upon her objecting, he tried to strangle her. The informant stated that when she cried, the applicant went away after threatening her and she walked back to her home.
4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and he has no criminal history.
5. In the statement of the victim/informant recorded under

Section 164 Cr.P.C, she stated that the applicant is cousin of her husband and he is married. The informant has three children, eldest of whom was 10 years old and she was eight months pregnant. In this statement, the informant alleged commission of rape but the allegation of rape is not supported by the findings of the medico legal examination report.

6. It has further been stated in the affidavit that previously, the applicant's mother has given an application to police against the informant's husband and due to this reason, the informant has falsely implicated the applicant.

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 keeping in view the fact that the victim herself is informant and that in the F.I.R of the incident that had taken place on 17.09.2023, lodged on 16.10.2023, there is no allegation of rape; the allegation of rape is not supported by any findings of the medico legal examination report of the victim and that the applicant has no previous 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.

9. In view of the above, the anticipatory bail application of the applicants is allowed. In the event of arrest/ appearance of applicant- **Sonu @ Suneel 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;

(Subhash Vidyarthi, J.)

Order Date :- 8.12.2023

Preeti.