

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14499 of 2023

Applicant :- Rinku @ Akshay Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 3 Others

Counsel for Applicant :- Niyaj Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

No one has put in appearance for the first informant despite of sufficient service, as per learned A.G.A.

This application has been moved by the applicant - Rinku alias Akshay Kumar to enlarge him on bail in Case Crime No. 587 of 2023 under Sections 363, 366 IPC and 7/8 of Protection of Children from Sexual Offences Act, 2012, Police Station Kotwali Akbarpur, District Ambedkar Nagar.

It is argued by the learned counsel for the applicant that the age of the victim at the time of incident was more than 17 years. As per her statement under Section 161 Cr.P.C. when her father scolded her she left her home on her own volition. She stayed at the railway station for one day and next day she came back herself. Then she came to know that Rinku, the present applicant was falsely implicated by her father. Though, in her statement under Section 164 Cr.P.C. she had stated that she had left her home and had gone with Rinku as she was in love with him. After two days on 17th October, 2023 she came back. Nothing wrong was done with her by Rinku. The applicant is languishing in jail since 19.10.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail on the ground that the victim was minor on the date of incident, hence, her consent had no significance.

From perusal of the record, it is found that there is allegation that the victim aged about 17 years was enticed away by the applicant. As per her date of birth, 17th July, 2016 disclosed by the first informant, the age of the victim on the date of incident

was about 17 years 03 months. In the statement under Section 164 Cr.P.C. the victim has admitted that she had gone with the present applicant as she was in love with him. As per her statement, nothing wrong was done with her by the applicant. As per medical report the first informant has refused for internal examination of the alleged victim. The applicant is languishing in jail since 19.10.2023.

Considering the facts and circumstances of the case, perusing the record, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merits of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant Rinku alias Akshay Kumar involved in the aforesaid case be released on bail on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 8.12.2023

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