

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2970 of 2023

Applicant :- Uday Bhan Singh

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

Counsel for Applicant :- Dheeraj Awasthi, Bimal
Kumar, Mayank Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dheeraj Awasthi, the learned counsel for the applicant as well as Ms. Charu Singh, the learned Additional Government Advocate 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.397 of 2023, under Sections 452, 323, 504, 506, 354B I.P.C., registered at Police Station Kotwali, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 24.05.2023 against one Anand Singh, his mother, four unknown persons and two women, alleging that while the informant's father-in-law was returning from his field, the accused persons had waylaid him, chased him and beaten him up. When the informant's father-in-law entered his house to save his life, the accused persons entered his house, torn away blouse of the informant and pushed her to the ground and molested her. It is alleged that the applicant's mother and two other women assaulted on the informant's head with an iron rod and they broke down her mangal sutra and took away some money.

4. The applicant has been implicated on the basis of statement of victim wherein she stated that the applicant was also involved in commission of the offence and the allegation against the applicant was of touching her body.

5. 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.

6. Co-accused persons, namely, Anand Singh and Vikaram

Singh and Ram Kumar Singh have already been granted anticipatory bail by means of orders dated 05.09.2023, 07.11.2023 & 06.12.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application Nos. 1930 of 2023, 2528 of 2023 and 2798 of 2023 respectively.

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 the informant of the case and yet she has not named the applicant as an accused and she has leveled allegation of rape, against another co-accused person, which allegation is not supported by any medico legal examination report and that three co-accused persons have been granted anticipatory bail by this Court, coupled with the fact that the applicant has no 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 applicant is **allowed**. In the event of arrest/ appearance of applicant-**Uday Bhan Singh** 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.

Order Date :- 20.12.2023

Pradeep/-