

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11983 of 2024

Applicant :- Ramrati

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

Counsel for Applicant :- Savita Jain

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Ms. Savita Jain, learned counsel for the applicant and Shri Arun verma, learned AGA for the State-respondents.
2. Despite service of notice upon opposite party no.4, no one has appeared on her/ his behalf.
3. Learned counsel for the applicant submits that the present applicant has been falsely implicated and is in jail since 06.09.2024 in Case Crime No.273 of 2024 under Sections 70(2), 351(2) BNS, 5G/6 of POCSO, police station Misrikh, District Sitapur.
4. Learned counsel for the applicant has drawn attention of this Court to impugned FIR, wherein the allegation has been levelled against Wasik and the present applicant. So far as allegation of rape is concerned, the present applicant has been falsely implicated and so far as other allegations are concerned, they are misconceived insofar as the role of the applicant is concerned. The allegation of rape has been levelled against co-accused Wasik. The prosecutrix denied for medical examination though it was necessary.
5. Learned counsel has further stated that applicant has no

criminal history and charge sheet has been filed against her. Therefore, if the present applicant is enlarged on bail, she undertakes that she shall cooperate in the trial proceedings and shall not misuse the liberty of bail. Further, the applicant shall abide by all terms and conditions of the bail order. Besides, being lady, the applicant may be enlarged on bail granting her the benefit of Section 437 Cr.P.C.

6. Learned AGA has, however, opposed the prayer for bail but could not dispute the submissions made by learned counsel for the applicant.

7. Having heard the learned counsel for the parties, having perused the material on record and without entering into merits of the issue, I find it appropriate to release the applicant on bail for the reason that no specific allegation has been levelled against her and she has no criminal history, therefore, she may be granted the benefit of Section 437 Cr.P.C., also considering the undertaking of the applicant that she shall cooperate in the trial proceedings and shall not misuse the liberty of bail, .

8. Accordingly, the bail application is **allowed**.

9. Let applicant- **Ramrati** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on

each date fixed, either personally or through her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

(v) The applicant shall not leave India without previous permission of the court.

(Rajesh Singh Chauhan, J.)

Order Date :- 19.12.2024

Arnima