

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13025 of 2024

Applicant :- Sidharth Verma

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

Counsel for Applicant :- Krishna Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Krishna Kumar Tiwari, learned counsel for the applicant and Sri Ashok Kumar Singh, learned A.G.A. for the State.

2. It has been contended by the learned counsel for the applicant that the applicant is in jail since 20.10.2024 in Case Crime No. 404 of 2024 u/s 69,351(2) B.N.S., P.S. Asandra, District Barabanki. It has been submitted that the applicant has been falsely implicated in this case as he has not committed any offence as alleged.

2A. Learned counsel has filed supplementary affidavit, same is taken on record.

3. Attention has been drawn towards impugned F.I.R. wherein the date of incident has been indicated as 17.8.2024 but the F.I.R. has been lodged on 19.10.2024 after two months without explaining the delay. The allegation has been levelled against the present applicant that on the pretext of false promise of marriage the applicant made physical relation with the prosecutrix and kept her with him since 2023. The recital to this effect has been given by the prosecutrix while recording her statement u/s 183 B.N.S.S. Further, attention has been drawn towards Annexure no. 3 of the supplementary affidavit which is a statement of the prosecutrix whereby she refused to get herself medically examined and has given an affidavit to that effect. Annexure 4 of the supplementary affidavit is the copy of the charge-sheet wherein only the prosecutrix is the witness and there is no other fact / material witness including her parents. Learned counsel has stated that even the statement of the parents of the prosecutrix has not been recorded, therefore, their names have not been indicated in the list of witnesses in the charge-sheet. The applicant has no

prior criminal history of any kind whatsoever.

4. The learned counsel for the applicant has given an undertaking on behalf of applicant that the applicant shall not misuse the liberty of bail and shall cooperate with the trial proceedings and shall abide by all terms and conditions of bail, if granted.

5. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

6. Without entering into the merits of the case and considering the arguments of learned counsel for the parties, contents and allegations of the F.I.R., the fact that the date of incident is 17.8.2024 but the F.I.R. has been lodged on 19.10.2024 after two months without explaining the delay, the prosecutrix refused to get herself medically examined and has given an affidavit to that effect, only the prosecutrix is the witness in the charge-sheet and there is no other fact / material witness including her parents, even the statement of the parents of the prosecutrix has not been recorded, the applicant has no prior criminal history of any kind whatsoever and the undertaking given on behalf of the applicant that he shall not misuse the liberty of bail and shall cooperate in the trial proceedings, the applicant is entitled to be released on bail in this case.

7. Bail application is **allowed**.

8. Let the applicant **Sidharth Verma**, involved in aforesaid case crime be released on bail 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 which are being imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that he / 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 his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him / her under Section 269 of the B.N.S., 2023.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 of B.N.S.S., 2023 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 him / her in accordance with law, under Section 208 of the B.N.S., 2023.

(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 351 of B.N.S.S., 2023. 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 him / her in accordance with law.

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(Rajesh Singh Chauhan, J.)

Order Date :- 18.12.2024

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