

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13125 of 2024

Applicant :- Sandeep

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

Counsel for Applicant :- Nagendra Singh, Kuldeep, Ranjeet Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Nagendra Singh, learned counsel for the applicant and Sri Anant Pratap Singh, learned AGA for the State.

2. As per learned counsel for the applicant, the present applicant is in jail since 03.07.2024 in Case Crime No.161 of 2024, under Section 376 IPC, Police Station – Nagram, District – Lucknow.

3. Learned counsel for the applicant has submitted that the present applicant has been falsely implicated in the case as he has not committed any offence as alleged. As per allegation of the FIR, the present applicant has established physical relation with the prosecutrix on the pretext of false promise of marriage. Learned counsel for the applicant has stated that the present applicant is in affairs with the prosecutrix and is ready to get married with her. This fact is known to the prosecutrix herself. The deponent of the present bail application is informant herself and she is presently living with the family members of the present applicant. If the present applicant is released on bail, he shall get married with the prosecutrix at the earliest, thereafter, he shall get his marriage registered before the marriage registering authority. Even the FIR has been lodged on 02.07.2024 for the alleged incident dated 25.04.2024. The aforesaid FIR has been lodged under some confusion by the prosecutrix as at that point of time, she thought that the present applicant will not get married with her, however, he will marry with her in terms of his undertaking given above. Charge sheet has been filed. The applicant is having no prior criminal history of any kind whatsoever. Further, the applicant undertakes that if he is released on bail, he shall not misuse the liberty of bail and shall abide by all terms and conditions of the bail order and shall cooperate in the trial proceedings.

4. Learned A.G.A. has, however, opposed the prayer for bail but

he could not dispute the aforesaid submissions of learned counsel for the applicant.

5. Without entering into merits of the issue; considering the arguments of learned counsel for the parties; contents and allegations of the FIR; the fact that the present applicant is in affairs with the prosecutrix and is ready to get married with her; the deponent of the present bail application is informant herself and she is presently living with the family members of the present applicant; undertaking of the applicant that if he is released on bail, he shall get married with the prosecutrix at the earliest, thereafter, he shall get his marriage registered before the marriage registering authority; the applicant is having no prior criminal history of any kind whatsoever and also considering the undertaking of the applicant that he shall cooperate in the trial proceedings and shall not misuse the liberty of bail, I find it appropriate to release the applicant on bail.

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

7. Let applicant- Sandeep 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) As soon as the present applicant is released from jail, he shall arrange social marriage with the prosecutrix. Thereafter, the applicant shall get his marriage registered before the marriage registering authority at the earliest. If the applicant does not marry with the prosecutrix after release from jail at the earliest, the prosecutrix will be at liberty to move application for cancellation of this bail.

(ii) The applicant shall file an undertaking to the effect that he 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.

(iii) 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 under Section 229-A of the Indian Penal Code.

(iv) In case, the applicant misuses the liberty of bail during trial and in order to secure his 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 him, in accordance with law, under Section 174-A of the Indian Penal Code.

(v) 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 him in accordance with law.

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

[Rajesh Singh Chauhan,J.]

Order Date :- 19.12.2024
RBS/-