

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13245 of 2024

Applicant :- Mohd. Amir

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

Counsel for Applicant :- Sukh Deo Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Sukh Deo Singh, learned counsel for the applicant and Sri Bhanu Pratap Singh, learned Additional Government Advocate for the State.

2. As per learned counsel for the applicant, the present applicant is languishing in jail since 06.11.2024 in F.I.R. No.481 of 2024, under Sections 87, 69, 127(2), 351(3) BNS, Police Station Rudauli, District Ayodhya.

3. Learned counsel for the applicant has submitted that the present applicant has falsely been implicated in this case as he has not committed any offence as alleged in the prosecution story. Attention has been drawn towards impugned F.I.R., wherein sole allegation has been levelled against the present applicant. As per allegation, the present applicant has established physical relation with the prosecutrix on the pretext of false promise of marriage, as the matter of fact that the present applicant was with the affairs of prosecutrix and was willing to get married with her. While recording statement under Section 180 BNSS she herself stated that on 31.10.2024 she left her house and had gone to another place with the present applicant with whom she was willing to get married, as she is a major girl. However, while recording her statement under Section 183 BNSS, she cooked the story under the pressure of her family members. She refused to get herself medically examined, though the medical examination was necessary. As per the statement of the prosecutrix her marriage has been fixed with another person for that she has not raised any objection to her parents.

4. Learned counsel for the applicant has stated that if the prosecutrix and her parents are ready for the marriage of the prosecutrix with the applicant, he will get married with her. He further stated that the applicant may be enlarged on bail. The present applicant has no previous criminal history and the investigating is pending.

5. Learned counsel for the applicant has undertaken on behalf

of the present applicant that the applicant shall not misuse the liberty of bail, if so granted by this Court and shall abide by all terms and conditions of the bail order and shall cooperate with the trial proceedings.

6. Learned Additional Government Advocate has, however, opposed the prayer for bail but he has not disputed the aforesaid submission of learned counsel for the applicant.

7. Therefore, without entering into the merits of the issue and considering the fact that the prosecutrix in her statement recorded under Section 180 BNSS has stated that she left her house and had gone to another place with the present applicant with whom she was willing to get married but in her statement recorded under Section 183 BNSS she changed her version and she refused to get herself medically examined, though the medical examination was necessary and considering the undertaking of the applicant that he shall co-operate in the trial proceedings and shall not misuse the liberty of the bail and, without expressing any opinion on merits of the case, I find it a fit case for bail. Accordingly, the bail application is **allowed**.

8. Let the **applicant- Mohd Amir** 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 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.

(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 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, 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 in accordance with law.

(v) As soon as the present applicant is released from jail, he shall immediately appeared before the Investigating Officer to co-operate in the investigation.

(Rajesh Singh Chauhan,J)

Order Date :- 20.12.2024

Arvind