

Court No. - 67

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3148 of 2025

Applicant :- Asha Jain

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Vibha Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Chandra Dhari Singh,J.

1. Instant application has been filed on behalf of applicant- **Asha Jain** under Section 482 of B.N.S.S seeking anticipatory bail in Case Crime No. 228 of 2024, under Sections 363, 366, 368, 376, 376(2) I.P.C. & 3/4 POCSO Act and 5(L)/6 POCSO Act, Police Station Kurra, District Mainpuri.

2. Learned counsel appearing on behalf of applicant submitted that the applicant is running a registered marriage bureau. As per the prosecution story, on 09.09.2024 at about 11.16 PM, first information report has been lodged by first informant Smt. Sapna W/o Kushal Pal Singh at police station- Kurra, District- Mainpuri against unknown person under Section 363 I.P.C. regarding to incident dated 18.05.2024. It is alleged in the F.I.R. that the informant's daughter 'X' aged about 18 years was came to coaching at Karhal on 18.05.2024, since then she was missing. The Investigating Officer has recorded statement of first informant under Section 180 B.N.S.S., wherein she has supported and repeated the version of the first information report. On 10.09.2024, the Investigation Officer has also recorded the statement of Kushal Pal Singh (husband of first informant) under Section 180 B.N.S.S. The victim was recovered on 10.02.2025 by the police and her statement was recorded by the Investigating Officer under Section 180 of B.N.S.S. Thereafter, the statement of victim under Section 183 of B.N.S.S. has also been recorded, wherein she has stated that she went with one Neeraj, thereafter, she went to Ajmer alone by train where Ravi and Bobby met, who left her with the

applicant, where her marriage was solemnized with one Vishnu. In her statement, the name of the present applicant has been disclosed. It is stated that she was running a registered marriage bureau and solemnized the marriage of the victim with one Vishnu. After her statements, police has registered the instant crime case for offences punishable under Sections 366, 370, 376, 376(2) and 3/4 and 5(L)/6 of POCSO Act. Initially the F.I.R lodged only for offence punishable under Section 363 of the I.P.C. The custody of the victim has been handed over to her grandfather, namely, Rajveer Singh on 13.02.2025 (ref: C.D. No.27)

3. Learned counsel appearing on behalf of applicant vehemently submits that applicant is innocent person and has not committed any offence as alleged in the F.I.R. as well as offences, which have been added by the police after investigation under Sections 366, 370, 376, 376(2) and 3/4 and 5(L)/6 of POCSO Act.

4. It is submitted that the prosecutrix admittedly submitted that she is 20 years old and she had submitted the Adhar Card along with an affidavit stating therein that her date of birth is 05.07.2004 and the marriage was solemnized at 09.06.2024, on which she was about 20 years old.

5. Learned counsel appearing on behalf of the applicant submitted that since the role of the present applicant is very limited to the extent that she has facilitated the victim as well as the accused Vishnu to get married after satisfaction of the facts that she is a major and both were agreed for the said marriage without any influence or pressure.

6. Learned counsel appearing on behalf of applicant further submitted that a bare perusal of the statements as well as the other material available on record does not connect the applicant for offences punishable under Sections 3/4 and 5(L)/6 POCSO Act and also not with the offence punishable under Section 376 and 376(2) of I.P.C.

7. Learned counsel appearing on behalf of the applicant submitted that since the victim is admittedly of the age of more than 18 years, therefore, the applicant may be released on bail at the event of any arrest. It is submitted that there are no credible material on record to link or connect the applicant in the offence as alleged.

8. Learned counsel appearing on behalf of applicant further submitted that the maximum charge may be made out, if any, that the applicant has facilitated the victim and co-accused to get married. She was not aware about the other facts as how she had come to Ajmer and met the applicant along with co-accused Ravi and Bobby and one uncle.

9. It is vehemently submitted that in view of the aforesaid facts and circumstances of the case, he may be released on bail at the event of the arrest imposing any term and condition as fit by this Court while granting the bail.

10. Per-contra, learned A.G.A. appearing on behalf of State vehemently opposed the instant application and submitted that the applicant is conspirator to solemnize the marriage of minor girl to the co-accused Vishnu. As per the version of the applicant that she has verified the age of the victim from the Adhar Card, which is not a document for determination of date of birth of any person. There are the documents for determination of age as mentioned in the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as "*J.J. Act, 2015*") under Section 94. Adhar Card is not a document for determination of the age of any person as per the J.J. Act, 2015. The applicant is claiming that she is running a registered marriage bureau and therefore, she should have been aware about the relevant documents for determination of the age of any person. Therefore, there are no force in the argument of the applicant that she has first verified the age from valid document, thereafter, she has facilitated the marriage of the victim.

11. Learned counsel appearing on behalf of the State has placed the case diary before this Court during the arguments and submitted that during the investigation, the police has collected several material against the applicant to connect in the offence as mentioned in the F.I.R. and added the other offences in different Sections under I.P.C. as well as under POCSO Act. He has pointed out the statement of the victim recorded under Section 183 BNSS and while referring the said statement, it is submitted that the co-accused Vishnu has given Rs. 3.5 lacs to the applicant for purpose of solemnizing the marriage of the victim with him, in spite of she was not a major. It is also pointed out that there is a certificate of 'Narsingh Yadav Inter College', Karhal, Mainpuri, which shows that the date of birth of the victim is 05.07.2007 and the incident has taken place on 18.05.2024, accordingly, the age of the victim was below 17 years at the time of the alleged incident.

12. Learned A.G.A. further vehemently argued that the present applicant has moved the application for anticipatory bail in offences under the I.P.C. provisions i.e. 376 and 376 (2) as well as under Sections 3/4 and 5(L)/6 of POCSO Act, which are very heinous in nature and where the maximum sentence may be life imprisonment. It is also submitted that the applicant is required for custodial interrogation as to find out that whether she is running a syndicate for selling and buying the innocent minor girls, as specific allegations came in the statement of the prosecutrix recorded under Section 183 of BNSS. For cracking of the said syndicate of organised crime, the custodial interrogation is required.

13. Learned A.G.A. further submitted that there are mandate of the Hon'ble Supreme Court in the several cases, that only in rarest of rare case, the anticipatory bail should be granted in such type of heinous offences.

14. It is submitted that the applicant is involved in very serious offence of trafficking of minor girls in pretext of 'marriage bureau'. The Investigation was also revealed that she is running a syndicate of

organised crime, i.e. human trafficking and it is vehemently submitted that after taking into consideration the aforesaid arguments, this Court may not take a lenient view for granting anticipatory bail, as prayed by the applicant. The applicant is failed to make out any case for allowing the said anticipatory bail application, therefore, the said bail application may be rejected as devoid by any merit.

15. Heard Shri Amitabh Tripathi, learned advocate holding brief of Ms. Vibha Tiwari, learned counsel for the applicant and Shri Rajesh Kumar Gupta, learned A.G.A. and Shri Shravan Kumar Ojha, learned A.G.A.-I appearing for the State and perused the contents made in the anticipatory bail application as well as material available on record and also the case diary which has been placed before this Court during the arguments.

16. For proper adjudication of the instant case as well as for evolution of the arguments advanced by both the sides, it is pertinent to take into consideration of the following statutory provisions:-

"375. Rape.— <Section 63 of B.N.S.>

A man is said to commit "rape" if he—

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:—

(First.)— Against her will.

(Secondly.) — Without her consent.

(Thirdly.) — With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt,

(Fourthly.) — With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly.) — With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(Sixthly.) — With or without her consent, when she is under eighteen years of age.

(Seventhly.) — When she is unable to communicate consent.

Explanation 1.— For the purposes of this section, "vagina" shall also include labia majora.

Explanation 2.— Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.— A medical procedure or intervention shall not constitute rape.

Exception 2.— Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Section 376. Punishment for rape. <Section 64 of B.N.S.>

(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

- (a) *being a police officer, commits rape—*
- (i) *within the limits of the police station to which such police officer is appointed; or*
 - (ii) *in the premises of any station house; or*
 - (iii) *on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or*
- (b) *being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or*
- (c) *being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or*
- (d) *being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or*
- (e) *being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or*
- (f) *being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or*
- (g) *commits rape during communal or sectarian violence; or*
- (h) *commits rape on a woman knowing her to be pregnant; or*
- ¹(i) *******
- (j) *commits rape, on a woman incapable of giving consent; or*
- (k) *being in a position of control or dominance over a woman, commits rape on such woman; or*
- (l) *commits rape on a woman suffering from mental or physical disability; or*
- (m) *while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or*
- (n) *commits rape repeatedly on the same woman, shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to*

¹ Clause (i) omitted by s. 4, *ibid.* (w.e.f. 21-4-2018).

imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation.—For the purposes of this sub-section,—

(a) "armed forces" means the naval, military and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) "hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;

(c) "police officer" shall have the same meaning as assigned to the expression "police" under the Police Act, 1861 (5 of 1861);

(d) "women's or children's institution" means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

(3) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

17. Section 3/ 4 and 5(L)/ 6 of POCSO Act is also reproduced as under:-

3. Penetrative sexual assault.—*A person is said to commit “penetrative sexual assault” if—*

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

4. Punishment for penetrative sexual assault.—(1) *Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.*

(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.

5. Aggravated penetrative sexual assault.—(1) *whoever commits penetrative sexual assault on the child more than once or repeatedly; or*

6. Punishment for aggravated penetrative sexual assault.—(1) *Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine, or with death.*

(2) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.”

18. In the instant case, there are disputes regarding the age of the prosecutrix. As per the applicant, the age of the prosecutrix was 20 years at the time of the alleged incident. He relied on the date of birth of the

prosecutrix as mentioned in her 'Adhar Card'. Learned A.G.A.'s contention is that the age of the victim was less than 17 years as mentioned in the school certificate. Age of the prosecutrix may be determined as per the procedure given in J.J. Act, 2015. Relevant Section 94 of the J.J. Act, 2015 is reproduced as under:-

"Section 94. Presumption and determination of age.

(1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person."

19. Now, I have to analyse the material on record in the case, which is at hand.

20. The statement of the prosecutrix recorded under Section 180 of B.N.S.S. is reproduced as under:-

"श्रीमान जी पीडिता कुमारी शीतल थाना हाजा की महिला हैल्प डैस्क में म 0 का 0 1120 गजल कुमारी की निगरानी में मौजूद है पीडिता कुमारी शीतल के बयान अन्तर्गत धारा 180 बीएनएसएस /161 सीआरपीसी के दर्ज करने करने हेतु म 0 का 0 1120 गजल कुमारी को अवगत कराया गया पीडिता कुमारी शीतल के बयान म 0 का 0 1120 गजल कुमारी द्वारा दर्ज किये गये। बयानों का अवलोकन कर नकल की जाती है।..... नकल बयान पीडिता कुमारी शीतल अन्तर्गत धारा 180 बीएनएसएस ... बयान पीडिता अन्तर्गत धारा 180 BNSS शीतल पुत्री कुशलपाल नि० तखरऊ थाना कुर्रा जनपद मैनपुरी सम्बन्धित मु० अ 0 स 0 228/24 धारा 363 भादवि थाना कुर्रा मैनपुरी..... अज दिनांक 10/02/25 को मुझे महिला आरक्षी 1120 गजल थाना कुर्रा जनपद मैनपुरी के द्वारा एकान्त में महिला हैल्प डेस्क में पीडिता शीतल पुत्री श्री कुशलपाल को बैठाकर बयान धारा 180 BNSS का अंकित किया जा रहा है पीडिता से पूछने पर उसने अपना नाम शीतल पुत्री श्री कुशलपाल निवासी तखरऊ थाना कुर्राजनपद मैनपुरी की रहने वाली हूँ मेरी उम्र 20 वर्ष है मेरी जन्मतिथि 05/07/2004 है मैं नरसिंह यादव इण्टर कालेज करहल से 10 TH क्लास तक पढ़ी हूँ मैं अपने घर से जून के महीने में गयी थी मैं अपने घर से नीरज पुत्र बेचेलाल निवासी ग्राम नगरिया थाना कुर्रा मैनपुरी के साथ इटावा तक गयी थी नीरज ने मुझे अजमेर में नौकरी लगवाने के लिए भेजा वहाँ पर मुझे नीरज के दोस्त रवि और बोवी रेलवे स्टेशन अजमेर पर मिले थे उन्होंने मुझे आशा जैल मैण्डम के पास छोड़ा उसके बाद उन्होंने मुझे विष्णु पुत्र लालचन्द्र निवासी राजगढ़ जिला अजमेर के साथ शादी करवा दी हम दोनों की शादी हो जाने बाद हम पतिपत्नी की तरह साथ में रहने लगे यही मेरा बयान है जो बोला वही लिखा है पढ़ाकर सुनाकर हस्ताक्षर बनावे जाते हैं एसडी SHEETAL एसडी म 0 का 0 1120 गजल थाना कुर्रा जनपद मैनपुरी.....वाद नकल बयान संलग्न सीडी किये जाते हैं"

21. The statement of the prosecutrix recorded under Section 183 of B.N.S.S. is reproduced as under:-

"मैं विवेचक मय पीडिता मय म 0 का 0 1274 काजल कुमारी के माननीय न्यायालय एसीजे कोर्ट नं० 04 महोदय मैनपुरी आया महोदय के समक्ष प्रार्थना पत्र प्रस्तुत कर पीडिता कुमारी शीतल के बयान अन्तर्गत धारा 183 बीएनएसएस बयान दर्ज कराये गये। श्रीमान जी बयानों का अवलोकन कराने हेतु महोदय के समक्ष रिपोर्ट प्रस्तुत की गयी बयानों का अवलोकन कर नकल की जाती है।.....अवलोकन बयान पीडिता कुमारी शीतल अन्तर्गत धारा 183 श्रीएनएसएस

.....शपथकर्ती ने सशपथ बयान करते हुए बताया कि घटना मई जून की है दिनांक नामालूम मैं घर से सुबह 08 बजे कालेज की वोलकर निकली थी मैं वाइक पर नीरज के साथ इटावा गयी थी नीरज मेरे पास के गाँव में रहता है नीरज

मेरे घर आता जाता था मैं नीरज के साथ काम की तलाश में गयी थी नीरज मुझे काम दिलवाने की कहा था इटावा से मैं आगरा गयी आगरा से मैं ट्रेन से अकेले अजमेर गयी थी अजमेर स्टेशन पर मुझे बोवी और रवि मिले ये दोनों मुझे आशा मैडम के पास लेकर गये आशा मैडम ने मुझे विष्णु से मिलवाया और हम दोनों की जून 2024 में शादी करवा दी पता चला कि आशा मैडम ने मेरी शादी करवाने के विष्णु के घरवालों से 3.5 लाख रुपये लिये थे पुलिस मुझे अजमेर लेने गयी तब मैं वापस आयी हूँ जिस दिन मैं नीरज के साथ इटावा गयी थी उसने मेरे खाने में कुछ मिला दिया था उसने मेरे साथ नशे की हालात में जबरजस्ती शारीरिक सम्बन्ध बनाये थे अब मैं विष्णु के साथ पति पत्नी की तरह रहती हूँ उसी के साथ रहना चाहती हूँ यही मेरे बयान हैं। न्यायालय एसीजे कोर्ट नं० 04 मेनपुरी"

22. On the plain reading of the aforesaid statements of the prosecutrix, it is evident that the present applicant was running allegedly a 'marriage bureau' in Ajmer, Rajasthan. The prosecutrix reached at Ajmer, Rajasthan, where Bobby and Ravi met her. They brought her to place of the present applicant. The applicant/ accused sold her to one Vishnu on pretext of marriage. It is also alleged that she was sold to Vishnu for Rs.3.5 lacs. The prosecutrix has also alleged that she was raped by co-accused Neeraj, but she further stated that now she is living with her husband Vishnu peacefully.

23. After perusing the entire material on record, I have reached on prima facie conclusion that there are sufficient credible material on record to link the applicant in trafficking of minor girl child in pretext of 'marriage bureau'. In instant case, without properly verifying age of the prosecutrix, the applicant had arranged marriage of the victim to one Vishnu after getting Rs. 3.5 lacs from him. The instant case may be one of the case of trafficking of minor girl child in pretext of 'marriage bureau', but there is great possibility to run a 'Syndicate' of most heinous crime of trafficking of minor girl, it is offence against society in large. Therefore, I find force in the argument of learned A.G.A. that for purpose of cracking of the said 'Syndicate', the custodial interrogation of the present applicant is required.

24. Now, taking into consideration of aforesaid statutory requirement for determination of age, I have to consider the date of birth

of the prosecutrix as per given in the certificate issued by Narsingh Yadav Inter College, Karhal, Mainpuri i.e. 05.07.2007 and the date of issuing the certificate is mentioned as 09.09.2024. After considering the same, it is found that at the time of the alleged incident, the victim was only 17 years old i.e. minor.

25. The Hon'ble Supreme Court has, in a catena of judgments, outlined the considerations on the basis of which discretion under Section 439 Cr.P.C. (Now 483 B.N.S.S.) has to be exercised while granting bail. In ²***Gurcharan Singh v. State (Delhi Administration)***, the Hon'ble Supreme Court has held as to the various parameters which must be considered while granting bail, as follows:

“24. ...Even so, the High Court or the Court of Session will have to exercise its judicial discretion in considering the question of granting of bail under Section 439(1) CrPC of the new Code. The overriding considerations in granting bail to which we adverted to earlier and which are common both in the case of Section 437(1) and Section 439(1) CrPC of the new Code are the nature and gravity of the circumstances in which the offence is committed; the position and the status of the accused with reference to the victim and the witnesses; the likelihood, of the accused fleeing from justice; of repeating the offence; of jeopardising his own life being faced with a grim prospect of possible conviction in the case; of tampering with witnesses; the history of the case as well as of its investigation and other relevant grounds which, in view of so many valuable factors, cannot be exhaustively set out.”

26. The above factors do not constitute an exhaustive list. The grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court. There is no strait jacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that

² ***(1978) 1 SCC 118***

are always considered, inter-alia, relate to prima facie involvement of the accused, nature and gravity of the charge, severity of the punishment, and the character, position and standing of the accused.

27. The above principle has been consistently followed by the several High Courts and by Hon'ble Supreme Court itself. In ³***Prasanta Kumar Sarkar v. Ashis Chatterjee***, Hon'ble Supreme Court held as under:

“9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.

xxx xxx xxx

10. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of nonapplication of mind, rendering it to be illegal.....”

28. After perusal of the record, I am convinced that there are prima facie credible evidence available on record to connect the applicant in the alleged offence,

29. As rightly submitted by learned A.G.A., it would be a case of aggravated sexual assault besides offence under Section 4 i.e. penetrative sexual assault. It is also taken on the consideration of conduct of the applicant, who was running ‘marriage bureau’ and allegedly involved in trafficking of minor girls. The allegations are very serious in nature and also definitely requires custodial interrogation to break the such syndicate of organised crime. Therefore, I am of the view that no case is made out for grant of anticipatory bail to the applicant. Accordingly, the present application for anticipatory bail is **dismissed**.

30. It is made clear that any opinion expressed by this Court while deciding the instant case will not be treated as opinion on merit.

Order Date :- 24.4.2025
Gurpreet Singh

(Chandra Dhari Singh,J.)