Court No. - 30

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42252 of 2020

Applicant :- Narendra
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Manoj Kumar Srivastava,S.P.S. Chauhan
Counsel for Opposite Party :- G.A.

Hon'ble Vipin Chandra Dixit,J.

Sri Bharishya Sharma, learned counsel has put in appearance on behalf of opposite party No.2 by filing vakalatnama which is taken on record.

Heard Sri S.P.S. Chauhan, learned counsel for the applicant as well as learned AGA, Sri Bharishya, learned counsel for opposite party No.2 for the State and perused the material on record.

It is submitted by learned Counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. Learned counsel further submitted that statement of victim was recorded under section 161 Cr.P.C. in which she has stated that she went with the applicant on her own will and solemnized marriage in a temple on 6.1.2020; her statement was also recorded under section 164 Cr.P.C. in which nothing has been stated against the applicant. Learned counsel next submitted that age of victim is 18 years as per report of Chief Medical Officer, Aligarh, thus she is major and variation of two years on higher side is possible. Learned counsel for the applicant then submitted that from the statements of victim recorded under sections 161 and 164 Cr.P.C. it appears that she is consenting party and no offence is made out against the applicant. Learned counsel for the applicant lastly submitted that the applicant is in jail since 10.7.2020 and if he is released on bail, he will not misuse the liberty of bail.

On the other hand, learned AGA for the State and learned counsel appearing for opposite party No.2 vehemently opposed the prayer of bail but could not dispute the aforesaid facts.

Upon hearing the learned counsel for the parties and upon the perusal of the record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage, without commenting on the merits of the case, I find it a fit case for bail. The bail application is allowed.

Let applicant- **Narendra** be released on bail in Case Crime

No.358 of 2020 under Sections 363, 366, 376 IPC and 3/4 of Protection of Children from Sexual Offences Act 2012, registered at Police Station Banna Devi, District Aligarh on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions:

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant will abide by the orders of the court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant will not indulge in any unlawful activity.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever.

(v) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(vi) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Order Date :- 9.12.2020

P.P.