

# **Ramji Alias Ramganesh vs State Of U.P. And 3 Others on 1 April, 2025**

**Author: Krishan Pahal**

**Bench: Krishan Pahal**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44266

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6943 of 2025

Applicant :- Ramji Alias Ramganesh

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

Counsel for Applicant :- Manoj Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Learned State Law Officer has informed that notice to the informant has been served on 25.2.2025.
3. Heard Sri Sanjay Singh, Advocate holding brief of Sri Manoj Kumar Srivastava, learned counsel for the applicant, Sri Jai Kishan Chaurasia, learned State Law Officer and perused the material placed on record.

4. Applicant seeks bail in Case Crime No. 460 of 2024, under Sections 137(2), 65(1) B.N.S. and 3/4(2) POCSO Act, Police Station- Tirwa, District- Kannauj, during the pendency of trial.

5. As per prosecution story, the FIR was instituted by the informant mentioning the fact that the person having mobile no.9118520278 has enticed away his minor daughter on 13.10.2024 at about 07:00 a.m.

6. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about one day and there is no explanation of the said delay caused. The victim is a consenting party as is but evident from her statement recorded U/s 183 B.N.S.S., whereby she has stated that she had gone with the applicant and had stayed with him for about ten days. The victim has not raised any alarm whatsoever.

7. Learned counsel for the applicant has further stated that although the victim has stated that applicant had established corporeal relationship with her, but the said relations were out of consent. The victim by her looks seems to be major, although as per the ossification test report her age has come out to be between 14-16 years. As such, a leverage of two years may be granted to the applicant on the upper side.

8. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There is no criminal antecedent of the applicant. The applicant is languishing in jail since 26.10.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

9. Learned State Law Officer has vehemently opposed the bail application.

10. The Supreme Court in *Jaya Mala vs. State of J & K*, (1982) 2 SCC 538 and *Mohd. Imran Khan vs. State (Govt. of NCT of Delhi)*, (2011) 10 SCC 192 has opined that the radiologist cannot predict the correct date of birth rather there is a long margin of 1 to 2 years on either side.

11. In light of the judgement of the Supreme Court passed in *Niranjan Singh and another vs Prabhakar Rajaram Kharote and others* AIR 1980 SC 785, this Court has avoided detailed examination of the evidence and elaborate documentation of the merits of the case as no party should have the impression that his case has been prejudiced. A prima facie satisfaction of case is needed but it is not the same as an exhaustive exploration of the merits in the order itself.

12. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and taking into consideration the settled law of the Supreme Court passed in *Satender Kumar Antil vs. Central Bureau of Investigation and Ors.*, 2022 INSC 690 and *Manish Sisodia vs. Directorate of Enforcement*, 2024 INSC 595 and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

13. Let the applicant- Ramji Alias Ramganesch, who is involved in aforementioned 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. 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.

14. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

15. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 1.4.2025 Vikas (Justice Krishan Pahal)