

Rajan vs State Of U.P. Thru. Prin. Secy. Home U.P. ... on 31 January, 2025

Author: Rajesh Singh Chauhan

Bench: Rajesh Singh Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6978

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 985 of 2025

Applicant :- Rajan

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

Counsel for Applicant :- Ramesh Chandra Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Ramesh Chandra Pandey, learned counsel for the applicant and Ms. Sudha Sharma, learned A.G.A. for the State.

2. It has been contended by the learned counsel for the applicant that the applicant is in jail since 17.12.2024 in Case Crime No. 414 of 2024 u/s 69 BNS, P.S. Baskhari, District Ambedkar Nagar. It has been submitted that the applicant has been falsely implicated in this case as he has not committed any offence as alleged.

3. Attention has been drawn towards the impugned F.I.R. which was lodged on 11.12.2024 whereas the incident took place on 1.1.2023 without explaining the inordinate delay. As per the statement of the prosecutrix recorded u/s 180 and 183 BNSS the physical relation has been established willingly. The prosecutrix has stated that she was in relation with the applicant for last six years and on the pretext of false promise of marriage he was establishing physical relation. As per learned counsel for the applicant the present applicant has married now. Since there is inordinate delay in lodging the F.I.R., therefore, the medical examination report could not substantiate the allegation of the F.I.R. The applicant has no prior criminal history. Charge-sheet has been filed in this case.

4. The learned counsel for the applicant has given an undertaking on behalf of applicant that the applicant shall not misuse the liberty of bail and shall cooperate with the trial proceedings and shall abide by all terms and conditions of bail, if granted.

5. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

6. Without entering into the merits of the case and considering the arguments of learned counsel for the parties, contents and allegations of the F.I.R., the fact that F.I.R. was lodged on 11.12.2024 whereas the incident took place on 1.1.2023 without explaining the inordinate delay, as per the statement of the prosecutrix recorded u/s 180 and 183 BNSS the physical relation has been established willingly, prosecutrix has stated that she was in relation with the applicant for last six years, since there is inordinate delay in lodging the F.I.R., therefore, the medical examination report could not substantiate the allegation of the F.I.R., applicant has no prior criminal history, charge-sheet has been filed in this case and the undertaking given on behalf of the applicant that he shall not misuse the liberty of bail and shall cooperate in the trial proceedings, the applicant is entitled to be released on bail in this case.

7. Bail application is allowed.

8. Let the applicant Rajan, involved in aforesaid 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 with the following conditions which are being imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that he / she 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 / her 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 may be issued

and if the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him / her 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 / her in accordance with law.

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(Rajesh Singh Chauhan, J.) Order Date :- 31.1.2025 Om