

**Court No. - 66**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 14477 of 2019

**Applicant :-** Manjit Kumar

**Opposite Party :-** State Of U.P.

**Counsel for Applicant :-** Akhilesh Kumar Mishra, Shashi Prakash Rai

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajul Bhargava, J.**

Heard Sri Shashi Prakash Rai, learned counsel for the applicant and the learned A.G.A. for the State and perused the statement of the victim recorded under Sections 161 and 164 Cr.P.C.

The present bail application has been filed by the applicant-Manjit Kumar in Case Crime No.10 of 2019, under Sections 376 I.P.C. and 3/4 of Protection of Children from Sexual Offences Act, 2012 Police Station Walterganj, District-Basti with the prayer to enlarge him on bail.

The submission of the learned counsel for the applicant is that as per high school certificate, hardly few months remained for the victim to attain majority. He has further submitted that from bare reading of the statement of the prosecutrix recorded under Section 164 Cr.P.C. and the manner in which it is stated that the applicant, after barging into the house of the prosecutrix where all other family members were sleeping nearby, committed rape apparently appears to be improbable, rather it tilts more towards her being a consenting party. There is no early prospect of conclusion of trial. So, the applicant, who is in jail since 22.01.2019, deserves to be released on bail.

Per contra, learned AGA has vehemently opposed the prayer for grant of bail to the applicant but could not point out anything material to the contrary.

Considering the facts and circumstances of the case as also the submissions advanced by learned counsel for the parties, without expressing any opinion on merits of the case, I am of the view that the applicant is entitled to be released on bail.

Let applicant-Manjit Kumar be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned subject to following conditions that:-

- 1.The applicant shall not tamper with the prosecution evidence;
- 2.The applicant shall not pressurize the prosecution witnesses;
- 3.The applicant shall appear on the date fixed by the trial court.

In case of default of any of the conditions enumerated above, the courts below shall be at liberty to cancel bail of the applicant.

**Order Date :-** 31.7.2019

MN/-