

**Court No. - 38**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 15416 of 2021

**Applicant :-** Suraj Agrahari @ Suraj Gupta

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

**Counsel for Applicant :-** Awadh Behari Singh

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

**Hon'ble Saumitra Dayal Singh,J.**

1. Heard Shri Awadh Behari Singh, learned counsel for the applicant, learned AGA for the State and also perused the material placed on record.

2. The instant bail application has been filed on behalf of the applicant - **Suraj Agrahari @ Suraj Gupta**, with a prayer to release him on bail in **Case Crime No. 21 of 2021, under Sections 376, 506 IPC, Police Station - Kotwali Bansi, District - Siddharthnagar** during pendency of trial.

3. Having heard learned counsel for the parties, at present:

(i) the applicant is accused of offence under Sections 376, 506 IPC;

(ii) against FIR lodged on 08.02.2021, the applicant is in confinement since 09.02.2021;

(iii) the applicant claims to have cooperated in the investigation. In any case, he is not shown to have unduly evaded arrest;

(iv) the applicant has no criminal history;

(v) charge sheet has been submitted, however, trial may take some time;

(vi) on prima facie basis, it has been submitted by learned counsel for the applicant that the victim was a consenting party and she had attained the age of majority on the date of incident. Only because the victim and the present applicant were discovered by the brother of the victim, inside her house, the present allegations have emerged. The FIR is stated to have been lodged with the delay of nine months. Thus, it has been submitted that the applicant has been falsely implicated. There is variance in the FIR allegations and the statements recorded during investigation.

(vii) the bail application has been vehemently opposed by learned AGA. He submits that minor variances apart, the FIR allegations have been duly supported by the victim in her

statements recorded under Sections 161 and 164 CrPC. There is no delay in the FIR being lodged. In absence of police registering the case, the application under Section 156 (3) CrPC was filed within a few days from the occurrence, that took place on 18.05.2020.

4. Having heard learned counsel for the parties and having perused the record, at present, the ingredients of the offence alleged are clearly made out against the applicant. The role implication is direct and the statements of the victim recorded during investigation appear to support the prosecution case. Thus, without drawing any conclusion of fact and leaving all defences open to the applicant to be pressed at the trial, no ground is made out for grant of bail in the context of allegation of heinous offence. The bail application is **rejected**.

5. However, rejection of the bail to the applicant may not indefinitely detain him in confinement. Therefore, it is expected that the trial court may make all attempts for expeditious conclusion, preferably within a period of one year.

**Order Date :- 30.4.2021**

AHA