

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15732 of 2021

Applicant :- Ravi Sonkar

Opposite Party :- State of U.P.

Counsel for Applicant :- Anand Kumar, Pavan Kishore

Counsel for Opposite Party :- G.A.

Hon'ble Ramesh Sinha, J.

Heard Sri Pavan Kishore, learned counsel for the applicant and Sri A.R. Chaurasia, learned A.G.A. for the State and perused the record.

It has been contended by the learned counsel for the applicant that applicant happens to be maternal uncle of co-accused Brij Mohan with whom the victim is said to have eloped. He submits that though as per the F.I.R. the victim is a minor girl aged about 14 years but as per the report of her Ossification test, she is a major girl aged about 18 years. He submits that as per the statement of the victim recorded under section 164 Cr.P.C., no allegation of rape has been levelled against the applicant as the same has been levelled against co-accused Brij Mohan. The applicant has no criminal history. The applicant is in jail since 27.12.2020.

Learned A.G.A. opposed the prayer for bail.

Without expressing any opinion on the merits of the case and considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case.

Let the applicant Ravi Sonkar involved in Case Crime No. 325 of 202 under sections 363, 366 I.P.C., police station Kotwali Dehat, District Mirzapur be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned and the court concerned shall take an undertaking from the sureties that the properties movable/ immovable which are the basis of accepting the surety, shall not be disposed of by them during the pendency of the trial with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he 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 under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed

in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(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 313 Cr.P.C. 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.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

The case of the applicant is distinguishable from co-accused Brij Mohan.

Order Date :- 26.3.2021

Shiraz