

Court No. - 33

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25987 of 2020

Applicant :- Lokesh Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Devi Prasad Tripathi, Manish Kumar Pandey, Satya Prakash Rathor

Counsel for Opposite Party :- G.A., Neeraj Seerotiya, Sayyed Kashif Abbas Rizvi

Hon'ble Ashwani Kumar Mishra, J.

Heard Sri Manish Kumar Pandey, learned counsel for the applicant, Sri Prashant Kumar learned AGA for the State and perused the materials placed on record.

The present bail application has been filed by the applicant Lokesh Singh in Case Crime No. 164 of 2019, under Sections 376, 504 IPC; Section 3(2)5 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Section 5/6 of the Protection of Children from Sexual Offences Act, 2012, Police Station Garautha, District - Jhansi, with the prayer to enlarge him on bail. The applicant is in jail since 24.12.2019.

As per prosecution case disclosed in the FIR the husband of the complainant had gone to Sonipat for work and in his absence her minor daughter aged about 17 years has been raped by the applicant. It is stated that threat were extended by the applicant to the complainant's daughter that in the event this fact is disclosed he would kill the disabled brother of the victim; that the brother of the accused applicant is the Driver of Tehsildar and that nothing would be done against them. The victim belongs to scheduled caste. During the course of investigation the victim has been medically examined and has been found to be four months pregnant. Statement of the victim under Sections 161 and 164 Cr.P.C. also recorded which supports the FIR version.

Learned counsel for the applicant states that the complainant had taken Rs. 50,000/- as loan from the applicant and only in order to compel the applicant to withdraw such claim for return of the amount that a false first information report has been lodged against the applicant. It is further stated that the applicant has not committed the alleged crime and he has been falsely implicated. It is also stated that the applicant is in jail since 24.12.2019 and the trial is not likely to be concluded shortly.

Sri Prashant Kumar, learned AGA for the State submits that in view of the statement made by the victim under Section 161 and 164 Cr.P.C., the applicant is not entitled for bail.

Having considered the respective submission advanced and also in view of the fact that FIR version is supported by the statement of victim under Section 161 and 164 Cr.P.C. as also in view of the medical evidence on record, this Court finds that there is no good ground to enlarge the applicant on bail. Defence of the applicant is otherwise not required to be evaluated at this stage. However, the court concerned shall make all endeavours to conclude the trial, expeditiously.

The bail application is rejected, accordingly.

Order Date :- 30.4.2021
Ranjeet Sahu