

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5957 of 2024

Applicant :- Ramvilash

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

Counsel for Applicant :- Ram Chandra Dwivedi, Uday Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. As per learned counsel for the applicant, the present applicant is in jail since 19.03.2024 in Case Crime No.71 of 2024, under Sections 147, 323, 306, 354Ga IPC, Police Station- Fatehpur Chaurasi, District - Unnao.
3. Learned counsel for the applicant has further submitted that the present applicant has falsely been implicated as he has not committed any offence as alleged. Attention has been drawn towards impugned FIR, wherein the specific allegation of committing rape has been levelled against accused no.1, Rohit Nishad, however, against remaining accused persons including the present applicant, the allegation has been levelled that they had beaten the victim and clicked their obscene video.
4. Learned counsel for the applicant has stated that the victim has committed suicide and as per postmortem report, there is no ante-mortem injury, therefore, the story of beating the victim has been nullified. Further, no evidence of clicking obscene video has been found, therefore, no charge-sheet has been filed under I.T. Act. Learned counsel has reiterated that in the present case, the main accused is Rohit Nishad. Learned counsel has further submitted that the co-accused person namely, Chhotu @ Amit, who has been assigned similar role, has been enlarged on bail by this Court vide order dated 31.5.2024 in Criminal Misc. Bail Application No.5827 of 2024, therefore, on the basis of principles of parity, the present applicant may also be enlarged on bail. There is no prior criminal history of any kind whatsoever. Therefore, if the present is released on bail, he shall not misuse the liberty of bail and shall abide by all terms and conditions of the bail order and shall cooperate in the trial

proceedings.

5. Learned A.G.A. has, however, opposed the prayer for bail but he could not dispute the aforesaid submissions of learned counsel for the applicant.

6. Without entering into the merits of the case; considering the arguments of learned counsel for the parties; contents and allegations of F.I.R.; the fact that the allegation of beating the victim has been nullified, no evidence of clicking obscene video has been found, no charge-sheet has been filed under I.T. Act; the present applicant is having no prior criminal history of any kind whatsoever; the co-accused persons namely, Chhotu @ Amit, who has been assigned similar role, has been enlarged on bail and undertaking of the applicant that he shall abide by all conditions of the bail order and cooperate in the trial court proceedings, I find it appropriate to release the present applicant on bail.

7. Accordingly, the bail application is **allowed**.

8. Let applicant- **Ramvilash** be released on bail in the aforesaid case crime number 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:-

(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.

(v) The applicant shall not leave India without previous permission of the court.

[Rajesh Singh Chauhan,J.]

Order Date :- 31.5.2024
Mohd. Sharif