

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 43953 of 2023

**Applicant :-** Hanuman Ram

**Opposite Party :-** State Of U.P. And 3 Others

**Counsel for Applicant :-** Hari Keshav

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

**Hon'ble Sameer Jain,J.**

1. Sri Jhamman Ram, learned AGA-I, for the State, apprised the Court that notice has been served to the informant of the case on 3.11.2023.
2. Despite service of notice, none appeared on behalf of the informant.
3. Heard Sri Hari Keshav, learned counsel for the applicant and Sri Jhamman Ram, learned AGA-I, for the State.
4. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.151 of 2023, under Sections 376 (3) and 506 IPC and Section 3/4(2) POCSO Act, Police Station Balua, District Chandauli during pendency of the trial.
5. FIR of the present case was lodged on 13.7.2023 against the applicant and according to the FIR, due to bad health of his daughter aged about 15 years informant invited the applicant, who was "Ojha" and under the pretext of religious ceremony he committed rape with her daughter.
6. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and actually applicant and informant are close relatives and informant has taken loan from the applicant and only due to non-payment of loan some dispute arose between both of them and thereafter

informant lodged FIR of the present case against the applicant on the basis of false allegation of rape.

7. He further submits that as the victim is minor aged about 15 years and, therefore, she under the pressure of her parents started making allegation of rape against the applicant.

8. He further submits that the story narrated by the victim does not appear to be convincing.

9. He further submits that medical report also does not support the allegation of rape.

10. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 14.7.2023.

11. Per contra, learned AGA opposed the prayer for bail and submits that applicant has misused his position and under the pretext to provide treatment of the victim by way of religious ceremony, he influenced the victim and thereafter he committed rape with her and this fact is evident from her both the statements recorded under Sections 161 and 164 Cr.P.C.

12. Learned AGA further submits that victim is hardly 15 years old girl and, therefore, applicant should not be released on bail.

13. I have heard learned counsel for the parties and perused the record of the case.

14. Considering the fact that applicant is 'Ojha' and he under the pretext to provide treatment by religious way committed rape with the victim, who was aged about 15 years when she was alone with him in the room, in my view, applicant is not entitled to be released on bail.

15. Accordingly, the instant bail application is **rejected**.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

**Order Date :-** 23.11.2023

SKM