

**Court No. - 81**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 37170 of 2022

**Applicant :-** Pintu Kumar

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

**Counsel for Applicant :-** Karunesh Pratap Singh, Amit Kumar Yadav

**Counsel for Opposite Party :-** G.A., Deepak Kumar Tripathi

**Hon'ble Mrs. Saroj Yadav, J.**

This application has been filed with a prayer to release the accused applicant on bail in Case Crime No. 102 of 2022, under Sections 376 and 506 IPC, Police Station Sahjanawa, District Gorakhpur.

Heard Sri Karunesh Pratap Singh, learned counsel for the accused applicant, Sri Deepak Kumar Tripathi, learned counsel for the complainant and Sri Mithilesh Kumar, learned Additional Government Advocate appearing on behalf of the State respondent.

Learned counsel for the accused applicant has submitted that the accused applicant is innocent and has falsely been implicated in the case. He further submitted that the victim aged about 25 years is a consenting party as she herself has stated in the FIR that she was in relationship with the accused applicant. He further submitted that same version has been repeated by the victim in her statement recorded under Sections 161 & 164 Cr.P.C. In support of his contention, learned counsel for the accused applicant has placed reliance upon the decision of Hon'ble Supreme Court passed in the cases of ***Pramod Suryabhan Pawar Versus The State of Maharashtra and Others, AIR 2019 SC 4010*** and ***Dhruvaram Murlidhar Sonar Versus The State of Maharashtra and Others, AIR 2019 SC 327***. He further submitted that the accused applicant is languishing in jail since 06.05.2022, so the accused applicant should be enlarged on bail.

Contrary to it, learned A.G.A. appearing on behalf of the State-respondent as well as learned counsel for the complainant have vehemently opposed the bail application of the accused applicant and submitted that the victim is a handicapped lady having no legs and the accused applicant exploited the victim on the pretext of marriage and finally refused to marry her. He further submitted that the statements of the victim recorded under Sections 161 & 164 Cr.P.C. fully support the prosecution version. Therefore, the accused applicant should not be enlarged on bail.

Considered the rival submissions and perused the material available on record as well as case law cited by the learned counsel for the accused applicant.

It transpires from the rejection order passed by the trial Court, the victim is a handicapped lady and the accused applicant exploited the victim on the pretext of marriage. It is a serious offence against the society, hence the applicant is not entitled to any indulgence. Such criminal tendencies growing in the society must be nipped in the bud to convey a strong message to the culprits in the society. Noting the disability of the victim, the case law cited by the learned counsel for the accused applicant is of no help to the accused applicant.

Considering all the facts and circumstances of the case and having regard to the nature and gravity of the offence, no case for bail is made out.

The prayer for bail is declined and the bail application is ***rejected.***

(Mrs. Saroj Yadav, J.)

**Order Date :- 5.1.2023**  
Arun