

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53651 of 2022

Applicant :- Veer Singh @ Veerpal

Opposite Party :- State of U.P.

Counsel for Applicant :- Balbir Yadav, Sonu Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

Heard Sri Balbir Yadav, learned counsel for the applicant, Ms. Puja Yadav, learned counsel for the informant and learned A.G.A. for the State.

There is allegation against the applicant of abduction of minor girl with intent to marry and offence of rape.

Learned counsel for the applicant has submitted that from the statement of victim under Section 164 Cr.P.C, it appears that she is consenting party. She has gone with the applicant on her own. She willingly entered into physical relation with the applicant and is also pregnant. She is major girl. Applicant is in jail since 20.07.2022.

Learned counsel for the informant does not disputed the aforesaid contention.

Learned AGA has opposed the prayer for bail but could not dispute the above submissions.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties noted above, finding force in the submissions made by the learned counsel for the applicant, larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of Dataram Singh Vs. State of U.P. and another reported in (2018) 3 SCC 22 and recent judgment dated 11.07.2022 of the Apex Court in the case of Satendra Kumar Antil vs. C.B.I., passed in S.L.P (Crl.) No. 5191 of 2021 and considering 5-6 times overcrowding in jails over and above their capacity by the under trials and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Veer Singh @ Veerpal**, involved in Case Crime No.638 of 2021, under Sections 363, 366, 376 I.P.C and 3/4 of POCSO Act, Police Station Gandhipark, District- Aligarh be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) 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.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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.

(v) 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.

In case of breach of any of the above conditions, the complainant is free to move an application for cancellation of bail before this court.

Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 20.1.2023

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