



UPAU010034942022

In the Court of Sunil Kumar Singh- III, H.J.S., Additional Sessions Judge- Fast Track Court No.-1, Auraiya.

Bail Application No- 1574 of 2022

Ramveer Singh vs State of U.P

1st Application for bail under

Section 439 Cr.P.C

Case crime No.223/2022

U/s-376,452 and 506 IPC

Police Station-Acchalda, District -Auraiya.

ORDER

1. Present bail application has been moved under section 439 of the Cr.P.C. by the accused Ramveer Singh, detained in jail since 3.8.2022, in Case Crime No.-223 of 2022, U/s- 376,452 and 506 of the Indian Penal Code for granting bail to him .

2. The brief facts of the case are that -:

An FIR got registered U/s 376, 452 and 506 of the Indian Penal Code against the accused namely Ramveer Singh in case crime No 223 of 2022 at police station Acchalda, Auraiya by the prosecutrix X(name withheld to protect identity) with the allegations that on dated 14.2.2022 at about 11:00 P.M., while she was alone at home, the accused Ramveer Singh entered his house with country made pistol and raped her by threatening to kill and also recorded her videos and obtained photoes. While leaving, he threatened that if she did not listen to him, he would make the video viral. Thereupon, she continued to act according to the accused. The accused kept on raping her and recorded her videos continuously. Getting bothered, on dated 20.5.2022, she went to her maternal home with children. On dated 20.6.2022, when her husband came to her maternal home, she stated everything to him.

3. The learned counsel for the accused has submitted that the accused is an innocent person and has been falsely implicated in this case on the basis of village enmity. It has been further submitted that F.I.R. is delayed by five months and delay has not been explained by the prosecutrix. He further submits that the no independent witness is there of the incident and the statements of the prosecutrix recorded under section 161 and 164 of the Cr.P.C are contrary to each other and are unnatural and unrealistic. It has

been further submitted that the matrimonial disputes are pending between the prosecutrix and her husband and in the petition of 125 Cr.P.C, the prosecutrix has stated that on dated 20.5.2022, the prosecutrix was thrown out of the house with her daughters by her husband, while in the FIR, she stated that getting bothered, on dated 20.5.2022, she went to her maternal home with her children. On the aforesaid grounds, he prayed for bail.

4. Per contra, learned ADGC (Criminal) for the state vehemently opposed the bail application contending that the applicant-accused has raped the prosecutrix by threatening to kill and even after this, the accused kept on raping her. It has been further contended that applicant is accused of very serious offence punishable under section 376 of the IPC alongwith other allegations.

5. Heard learned counsel for the applicant-accused, learned A.D.G.C. (Criminal) appearing for the State and perused the record.

6. As per FIR version, the prosecutrix has made the allegations against the applicant-accused that on dated 14.2.2022 at about 11:00 P.M., while she was alone at home, the accused Ramveer entered his house with country made pistol and raped her by threatening to kill and also recorded her videos and obtained photoes. She further alleged that while leaving, the accused threatened that if she did not listen to him, he would make the video viral and thereafter, the accused kept on raping her and recorded her videos. The statement recorded under section 161 of the Cr.P.C., makes it obvious that prosecutrix has supported the allegations of the FIR and reiterated that she was raped by the accused on dated 14.2.2022. The statement of the prosecutrix got also recorded under section 164 of the Cr.P.C, wherein she stated that the accused raped her on dated 14.2.2022, while she was alone with her daughter of 7 years. The applicant is accused of serious offence punishable under section 376 of the IPC alongwith other allegations and the allegations of rape made in the FIR have been supported by the prosecutrix in her statements of 161 of the Cr.P.C. and 164 of the Cr.P.C, hence, considering all the facts and circumstances of the case, I do not find it a fit case for granting bail and this bail application is liable to be rejected.

7. Accordingly, this bail application of the applicant accused **Ramveer Singh** moved in Case Crime No **223/2022**, U/s- 376, 452 and 506 of the Indian Penal Code is rejected.

Date-6.10.2022

(Sunil Kumar Singh-III)
Additional Sessions Judge-Fast Track Court
Court No.-1, Auraiya.
J.O. Code- UP6076