



2025:AHC:218285

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2088 of 2025

Ratan Kumar Gautam

.....Appellant(s)

Versus

State Of U.P. And Other

.....Respondent(s)

Counsel for Appellant(s)	:	Rakesh Pathak, Umesh Prasad Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 53

HON'BLE SUBHASH CHANDRA SHARMA, J.

Order on appeal

1. Objection filed by the learned A.G.A. today in the Court, is taken on record.

2. List this case on 27.01.2026.

In Re: Criminal Misc. (Suspension of Sentence) Application

1. Heard learned counsel for appellant, learned A.G.A. for the State and perused the record.

2. This Criminal appeal has been preferred by the appellant against the conviction and sentence recorded vide judgment and order dated 23.08.2024 and 29.08.2024 passed by learned Additional Session Judge/Additional Special Judge (POCSO Act), Court No. 2, Prayagraj in Special Session Trial No. 138 of 2016, State Versus Ratan Kumar Gautam, arising out of Case Crime No. 827 of 2016, under Section 363, 366, 376, 328, 506 I.P.C. and Section 3/4 POCSO Act, Police Station Naini, District Prayagraj.

3. It is submitted by the learned counsel for the appellant that in this case he has falsely been implicated for enticing the victim said to be minor and committing rape with her. He further submitted that there are major contradiction in the statement of the victim, even though, learned trial court without appreciating the evidence available on record in proper manner, convicted and sentenced the appellant. He also submitted that appellant was working as driver in the house of the informant and there was affair between the victim and the appellant that was the reason, she went with him voluntarily. No any force or violence was used against the

victim by the appellant. He is in jail since 29.08.2024 and served in jail for about one year four months. He has placed reliance upon a judgment in the case of ***Santosh Prasad @ Santosh Kumar Versus State of Bihar, 2020 Law Suit (SC) 166, decided on 14.02.2020.*** Judgment and order passed by learned trial court is based on conjectures and surmises and absolutely there is no evidence against the appellant and the appeal is likely to take some time for final disposal, therefore, the appellant be released on bail.

4.Learned A.G.A. opposed the prayer for bail and contended that in this case the appellant has enticed away the victim, who was minor at the time of alleged incident and went with him under the faith that he was driver in the house and will protect her, but he himself committed offence with her, as such appellant is not entitled for bail.

5. Considering the facts and circumstances of the case, submissions made by learned counsel for the appellant as well as learned A.G.A., nature of allegation, evidence, age of the victim, there appears no ground to release the appellant on bail.

6. The present Criminal Misc. (Suspension of Sentence) Application is ***rejected.***

(Subhash Chandra Sharma,J.)

December 4, 2025

T.S.