

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31164 of 2024

Applicant :- Tillu Alias Anurag Thakur

Opposite Party :- State of U.P.

Counsel for Applicant :- Vipin Chandra Lal

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard learned counsel for the applicant as well as learned A.G.A for the State of U.P. and perused the record.

2. The present bail application has been filed on behalf of the applicant in Case Crime No. 155 of 2024, under Sections 384, 376, 323 IPC, P.S. Kokhraj, District Kaushambi, during pendency of trial, to enlarge him on bail.

3. As per prosecution case, applicant is said to have committed rape with the informant.

4. The submission of learned counsel for the applicant is that the applicant is innocent person and has been falsely implicated in the case by the victim. It is further submitted that applicant is in judicial custody since 10.07.2024 and he is still ready to perform marriage with the victim provided the victim is ready to marry. It is further submitted that applicant may be granted concession of interim bail in order to enable him to perform marriage with the victim.

5. Considering the facts and circumstances of the case, let the applicant- Tillu Alias Anurag Thakur, who is involved in aforementioned case crime be released on interim 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 file an undertaking to the effect that he shall not seek any adjournment on the date 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.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against her under Section 229-A IPC.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails 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 IPC.

(iv) The applicant shall remain present, in person, before the Trial Court on

dates fixed for (1) opening of the case. (2) framing of charge and (3) 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.

(v) The Trial Court may make all possible efforts/endeavour and try to conclude the trial within a period of one year after the release of the applicant.

6. List this case on 25.11.2024. The applicant shall perform marriage with the victim, as volunteered by him, on or before 25.11.2024 and shall get the marriage registered.

7. It is made clear that in case the applicant fails to perform marriage with the victim within the time stipulated, the interim bail shall be cancelled on the next date of hearing.

8. On next day, the applicant and victim are directed to appear before this Court in person.

Order Date :- 25.10.2024

RavindraKSingh