

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3077 of 2023

Applicant :- Aditya Raj Verma

Opposite Party :- State Of U.P. . And Another

Counsel for Applicant :- Anuj Srivastava, Tanmay Sadh

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

There is allegation against the applicant that he lived in live-in relationship with the victim for 1 & 1/2 years. The victim was earlier married to Sujeet Kumar from whom she had two sons. She became pregnant on account of live-in relationship with the applicant. Applicant refused to marry her. It is alleged that he sent obscene photographs of the victim to her husband. Therefore, he refused to keep her with him. Applicant also refused to marry her.

Learned counsel for the applicant submits that the victim is major. She willingly entered into live-in relationship with the applicant. She was capable in understanding the consequence of such relationship and there is no allegation that relationship started with the promise of marriage. The applicant has been falsely implicated in this case. He is in jail since 24.11.2022 and has no criminal history to his credit.

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

After hearing the rival contentions this court finds that this is one case where the disastrous consequences of live-in relationship has come on the scene. It is difficult for a woman to live alone after breaking of live-in relationship. The Indian Society at large does not recognizes such relationship as acceptable. The woman therefore is left with no option but to lodge first information report against her live-in partner, like in present case.

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; keeping view the uncertainty regarding conclusion of trial; one sided investigation by police, ignoring the case of accused side; applicant being under trial having fundamental right to speedy trial; larger mandate of the Article 21 of the Constitution of India 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, **Aditya Raj Verma**, involved in Case Crime No.0548 of

2022, under Sections 376 & 406 I.P.C, Police Station Kotwali, District-Azamgarh 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 :- 14.2.2023

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