

**Court No. - 64**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 36778 of 2024

**Applicant :-** [REDACTED]

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Manish Kumar Dwivedi, Sonu Kumar Tiwari

**Counsel for Opposite Party :-** G.A., Yogesh Kumar Tripathi

**Hon'ble Sanjay Kumar Singh, J.**

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and Mr. Harish Chandra, learned counsel appearing on behalf of the complainant.

2-By means of this application under Section 439 of Cr.P.C., applicant [REDACTED] who is involved in Case Crime No. 504 of 2024, under Sections 498-A, 323, 328, 376-D, 504, 506, 120-B I.P.C. and Sections 3/4 Dowry Prohibition Act, Police Station Kwarsi, District Aligarh seeks enlargement on bail during the pendency of trial.

3-The brief facts of the case which are required to be stated are that the complainant who is mother of the victim got a first information report lodged on 17.06.2024 against the applicant-Salman alleging inter-alia that in the month of February, 2024, she solemnized marriage of her daughter with the applicant. In the said marriage, four lac rupees were also given for applicant's business. After the marriage, complainant came to know that her son-in-law is involved in some illegal activities and also not letting her daughter to come into her contact. After tracing a lot, complainant found her daughter, who started crying and told her the entire story that the applicant forcibly compels her to do illegal activities. The victim also told the complainant that in the morning, applicant used to lock her in a room with some random boy and compels her to do wrong things with him for money. F.I.R. also alleges that on making protest by the victim, applicant beats her and also threatens her to kill. Somehow the complainant and her husband, with the help of police, bring their daughter back. On 15.04.2024 at about 09:00 pm, applicant with 2-3 persons entered in her house carrying illegal weapons and started dragging the victim. On making objection, he threatened them and told that he will take the victim with him and make her to do illegal work. On raising alarm, they got their daughter released from the clutches of the applicant.

4-It is argued by learned counsel for the applicant that the applicant is husband of the victim. The marriage of the applicant with the victim was solemnized on 26.01.2024 but on account of matrimonial dispute, applicant has been falsely implicated in this case. Much emphasis has been given by contending that as per the prosecution case, after Eid festival, complainant and her husband took her daughter from her matrimonial home with the help of police but no F.I.R. was lodged at that time. Later on false story has been set up stating that on 15.04.2024, applicant barged into her house and tried to drag the victim on the pointing of pistol but anyhow, on raising alarm, they could save the life of the victim but the F.I.R. of the said incident was lodged after two days on 17.06.2024, which indicates the false implication of the applicant. Lastly, it is submitted that the applicant is languishing in jail since 25.08.2024 and in case, the applicant is released on bail, he will not misuse the liberty of bail.

5-On the other hand, learned A.G.A. for the State as well as learned counsel for the complainant vehemently opposed the submissions of learned counsel for the applicant by contending that in fact, applicant solemnized marriage with the victim with an ulterior motive to force her into prostitution. After the said marriage, when the victim came to her matrimonial home, applicant being husband of the victim started harassing the victim adopting different modus operandi and used to send his friends and other persons in her room for making physical relation and as such victim has been sexually ravished by the friends and other known persons of her husband and she was compelled to make physical relation with them, which is a heinous offence, hence, the bail application of the applicant is liable to be rejected.

6-Having heard learned counsel for the parties and examined the matter in its entirety, I find that as per the prosecution case, it is not a simple case of matrimonial dispute between husband and wife. The fact of the case and allegation levelled by the victim against the applicant is rare. The relevant part of the statement of the victim under Section 164 Cr.P.C. reads as under :-

".....शादी के दूसरे दिन से ही [REDACTED] ने मुझे दारु पीकर मारना शुरू कर दिया था छुरी बेल्ट से मारता था [REDACTED] अपने दूसरे दोस्त जहीर एवं अन्य दोस्त भी आते थे सभी दारु पीते थे और दास्त को अन्दर मेरे कमरे के छोड़ देते थे और कमरा बाहर से बंद करते थे लाल रंग का लीक्युड देते हैं जिससे मेरे हाथ पैर कापते थे और होश नहीं रकता था मेरा बलत्कार करते थे मैंने सुना था जहीर ने [REDACTED] से कहा था कि कम उमर की लड़की लाया करो जब 10.04.2024 का अम्मी पापा आये ईद के लिये बुलाते तो मना कर दिया और उन्हें पीकर मारा पीटा....."

7-This Court is of the view that aforesaid allegation is serious blow to the Supreme honour of the victim and offends her self esteem and dignity. It degrades and humiliates the victim, it leaves behind a traumatic experience, a rapist not only cause physical injuries, but more indelibly leaves a blot on the most cherished possession of a women i.e. dignity, honour and reputation.

8-Considering the overall facts and circumstances of the case as well as keeping in view the submissions advanced on behalf of parties, gravity of offence and severity of punishment, I do not find any good ground to release the applicant on bail.

9-Accordingly, the bail application is ***rejected***.

10-It is made clear that the observation contained in the instant order is confined to the issue of bail and shall not affect the merit of the trial.

**Order Date :- 2.1.2025**

Saurabh