

(2006) 05 AHC CK 0174

In the Allahabad High Court

Case No : Criminal Misc. Bail Application No. 6152 of 2006

Ali Afjal (In Jail)

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 02-05-2006

Acts Referred:

Citation : (2006) 05 AHC CK 0174

Hon'ble Judges : G.P. Srivastava, J

Bench : Single Bench

Advocate : S.P. Singh Parmar and I.N. Pandey, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

G.P. Srivastava, J.—Heard learned Counsel for the applicant and learned A.G. A.

2. As per prosecution case the applicant raped a five years old girl on 6.12.03 at 2,00 P.M, when the victim was picked up by the applicant from her house and taken to the cellar of Imambara where he committed rape upon her. On hearing the cry of the girl some persons of the locality including Zamil Abbas and Hasan Ali had reached there and saw the accused applicant fleeing. The victim was medically examined and the medical report shows that her private parts have been found torned at 6 O" clock position margins oedematous tears were found at 4 O" clock, 8 O" clock and 6 O'clock position. She hardly admitted a tip of finger without pain. The accused was also examined on 9.12.03 at 3,50 P.M. and there were contusions on his private parts, left side red multiple contusion on the whole of the back, red contusion lateral aspect left upper arm red contusions all over the both buttocks and on the tip of penis. The involvement of the applicant in commission of rape has been evidenced by the injuries sustained by him. Besides that there is oral evidence of the girl and other persons. The applicant does not deserve bail. The bail application is rejected.