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**(2006) 05 AHC CK 0114**

**In the Allahabad High Court**

**Case No :** Criminal Misc. Bail Application No. 2617 of 2006

Pawan (In Jail)

APPELLANT

Vs

State of U.P.

RESPONDENT

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**Date of Decision :** 17-05-2006

**Acts Referred:**

**Citation :** (2006) 05 AHC CK 0114

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

**Bench :** Single Bench

**Advocate :** Virendra Kumar Singh and C.M. Jha, for the Appellant; A.G.A., for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

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

2. According to the prosecution case the victim a girl aged about 16 years as per school certificate was brought to Gandhi Udyan Bareilly by the applicant where he committed rape on the point of knife at 10.00 P.M. The place was not known to the victim. The Investigating Officer took her to various places in Bareilly city and she identified Gandhi Udyan as place of occurrence.

3. The learned Counsel for the applicant has argued that there is no sign of rape at the place of occurrence as the grass were found intact and the Chaukidar of the garden had told that he did not see anybody roaming in the park in the night of the occurrence. He has further argued that there is no medical evidence to corroborate the story of rape.

4. There is the statement of the victim given to the Investigating Officer wherein she has stated that she was allured by the applicant and at the point of knife the rape was committed upon her. The statement of Chaukidar has no relevance because the statement otherwise may go against his interest. It is immaterial that no medical evidence is there. No ground for bail. The bail application is rejected.