

(2024) 05 UK CK 0031

In the Uttarakhand High Court

Case No : First Bail Application No. 460 Of 2024

Rajo Kaur @ Rajjo And Another

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 10-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 34, 363, 370

Protection Of Children From Sexual Offences Act, 2012 — Section 16, 17

Citation : (2024) 05 UK CK 0031

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Vikas Kumar Guglani, Manisha Rana Singh

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Applicant Rajo Kaur @ Rajjo and Babli @ Ranu are in judicial custody in Case Crime No.48 of 2024, Police Station Bazpur, District Udham Singh Nagar. Applicant Rajo Kaur @ Rajjo is in judicial custody under Sections 363, 370, 34 IPC and Section 16/17 of the Protection of Children from Sexual Offences Act, 2012 ("the Act") and Applicant Babli @ Ranu is in judicial custody under Sections 370, 34 IPC and Section 16/17 of the Act. They have sought their release on bail.

2. Heard learned counsel for the parties and perused the record.

3. The victim, a child, was found missing from her sister's house, where she had come to stay. After a long search, she was found in the house of co-accused Mohan. He did not return her and told that he had purchased the victim. With the help of the police, the victim was rescued and taken back in her house by the informant. There, the victim revealed that, in fact, the applicant Rajo Kaur along with co-accused Babbu, visited her once, when she was all alone in the house and under some pretext, took her along with them. The co-accused Babbu took her at a place where the applicant Rajo Kaur left them. There, co-accused Babbu

physically exploited her on multiple occasions. Thereafter, his maternal uncle Raju also physically assaulted her. And then, they got the victim married with co-accused Mohan.

4. Learned counsel for the applicant would submit that the main allegations are against the co-accused Babbu, Raju and Mohan. The only role assigned to the applicant Babli @ Ranu is that she was present when the victim was married to co-accused Mohan, and there is no specific allegation against the applicant Rajo Kaur @ Rajjo.

5. Learned State Counsel would submit that the victim has categorically specified the role of both these applicants.

6. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial, or in any other proceeding.

7. A child, who had lost her parents and was staying with her brother, could not stay with her brother because of the maltreatment given to her at the hands of her sister-in-law. It is under those pathetic conditions, she was forced to stay with her sister, who is the informant in the case. And there once, when she was all alone, according to the victim, the applicant Rajo Kaur and the co-accused Babbu took her under false pretext. Thereafter, co-accused Babbu sexually exploited her and it continued with other persons as well. Finally, according to the victim, she was got married with the co-accused Mohan. In that wedding, applicant Babli @ Ranu was present. The role of applicant Rajo Kaur @ Rajjo and applicant Babli @ Ranu, as alleged by the victim, is quite separate and distinct. Applicant Rajo Kaur @ Rajjo, it appears, has been instrumental in removing the victim from the custody of her guardian, when she was left at the hands of co-accused Babbu, who, according to the prosecution, sexually exploited her for a long.

8. Having considered, this Court is of the view that insofar as the case of applicant Rajo Kaur @ Rajjo is concerned, there is no ground to release her on bail. Accordingly, the bail application of applicant Rajo Kaur @ Rajjo deserves to be rejected.

9. The bail application of the applicant Rajo Kaur @ Rajjo is rejected.

10. So far as the role of applicant Babli @ Ranu is concerned, this Court is of the view that there are grounds, which entitle her to bail. Accordingly, the bail application of the applicant Babli @ Ranu deserves to be allowed.

11. The bail application of the applicant Babli @ Ranu is allowed.

12. Let the applicant-Babli @ Ranu be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.