

(2006) 05 AHC CK 0113

In the Allahabad High Court

Case No : Criminal Misc. Bail Application No's. 5588 of 2006

Sushil (In Jail)

APPELLANT

Vs

State of Uttar Pradesh

RESPONDENT

Date of Decision : 17-05-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161

Citation : (2006) 05 AHC CK 0113

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

Bench : Single Bench

Advocate : Deepak Kaushik, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

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

2. According to the prosecution case on 28.11.05 at about 3.00 P.M. the victim was coming to take Angola (the leafy portion of sugar cane). The applicant met in the way and took her in the near by field, pressed her throat and committed rape upon her. The father of the victim was working in the near by field,

3. Learned Counsel for the applicant has argued that the victim was aged about 17-18 years as per medical evidence and she has falsely implicated the applicant on account of enmity of Pradhani election. He has further argued that the medical evidence does not support the theory of rape.

4. The victim in her statement u/s 161 Cr.P.C. has narrated the entire occurrence of forcible rape by the applicant. There is no question of false implication. The victim is a grown up girl and if the medical evidence does not corroborate her statement it does not mean that she is telling a lie. No ground for bail is made out. The bail application is rejected.