

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 19278 of 2025

Applicant :- Shane Alam

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Satish Chandra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant and learned A.G.A for the State.

There is allegation against the applicant of committing the offence of rape of prosecutrix on false promise of marriage. She has gone with the applicant to number of places but it is alleged that applicant has refused to marry her. The applicant is in jail since 22.02.2025 and he has no previous criminal history.

Smt. Madhu Yadav, learned counsel for the informant submits that the applicant has committed the offence which will exploit the entire life of the victim since no one is marry her.

On the other hand learned A.G.A has opposed the prayer for bail.

After hearing the rival contention, this Court finds that after live-in-relationship has been legalized by the Apex Court, the Court had fed up such cases. These cases are coming to the Court because the concept of live-in-relationship is against the settled law in the Indian Middle Class Society. The concept of live- in-relationship goes against the interest of the women since a man can marry even after live-in-relationship a woman or number of women but it is difficult for the women to find a life partner after a breakup. The concept of live-in-relationship has attracted the young generation allot but its after affects are seeing in the case like the present case.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties noted above, finding force in the submissions made by the learned counsel for the applicant, larger mandate of the Article 21 of the

Constitution of India, considering the dictum of Apex Court in the case of **Dataram Singh Vs. State of U.P. and another reported in (2018) 3 SCC 22** and recent judgment dated 11.07.2022 of the Apex Court in the case of **Manish Sisodia vs. Directorate of Enforcement, 2024 LawSuit (SC) 677.** and considering 5-6 times overcrowding in jails over and above their capacity by the under trials and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Shane Alam** involved in Case Crime No. 52 of 2025, under Sections 137(2), 87, 64(1), 61(2), 351(3) of B.N.S., and Section 3/4 of POCSO Act, Police Station- Babupurawa, District- Kanpur Nagar, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A of the Indian Penal Code.

(v) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and

proceed against him in accordance with law.

In case, of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 24.6.2025

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