

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6109 of 2025

Applicant :- Satyam Sonkar @ Badkau

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 3 Others

Counsel for Applicant :- Deepak Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Deepak Kumar, learned counsel for the applicant, Sri Ravi Shankar Maurya, learned AGA for the State and Sri Ajeet Kumar, learned counsel who has filed Vakalatnama on behalf of informant/complainant, same is taken on record.

2. As per learned counsel for the applicant, the present applicant (Satyam Sonkar @ Badkau) is languishing in jail since 06.03.2025 in Case Crime No.0048 of 2025 under Sections 137(2), 87, 64(1) of Bharatiya Nyaya Sanhita, 2023 (in short B.N.S) and 5J(11)/6 of POCSO, Act, Police Station- Kotwali Tanda, District-Ambekar Nagar. He has been falsely implicated in this case as he has not committed any offence as alleged in the prosecution story.

3. At the very outset, learned counsel for the applicant has stated that the present applicant has been in affairs with the victim and they got married, though that marriage is not a social marriage. With the aforesaid wedlock the victim became pregnant and she is having pregnancy of five months. The applicant is willing to get married with the victim in a social marriage and he is willing to look after the victim/prosecutrix as his wife.

4. Learned counsel for opposite party No.2 i.e. complainant has also stated that the family members of the prosecutrix have no objection if the applicant and prosecutrix get married. He has also submitted that the prosecutrix is having pregnancy of five months.

5. Learned counsel for the applicant has stated that in the FIR the age of the prosecutrix has been recorded as 15 years but as per medical examination report, which has been enclosed as Annexure-5, her age is about 17 years. Therefore, in a peculiar facts and circumstances that prosecutrix is pregnant with the

applicant and both are willing to get married, therefore, the applicant may be enlarged on bail.

6. Learned AGA has informed that as per FIR, the prosecutrix is aged about 15 years and she has not attained the marriageable age.

7. Having heard learned counsel for the parties, though the prosecutrix is aged about 17 years which is not marriageable age but she is carrying pregnancy with the applicant and both are willing to get married therefore in a peculiar facts and circumstances and also in the interest of prosecutrix and her child who is in womb, the present applicant may be enlarged on interim bail for a period of two months so that he could get out from jail and immediately after coming out from jail, he could look after the prosecutrix.

8. Notably, the present applicant is Hindu by religion and prosecutrix is Muslim by religion, therefore, they will have to apply their marriage under Special Marriage Act but prosecutrix being minor girl may not enter into relation of marriage legally. Besides the applicant has also not attained the age of 21 years as he is 20 years and 8 months.

9. Therefore, the present applicant (**Satyam Sonkar @ Badkau**) is enlarged on interim bail on his furnishing a personal bond of **Rs.25,000/-** with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the Investigating Officer to cooperate in the investigation and shall further remain present to cooperate in the investigation as and when the Investigating Team calls him to appear and if the charge-sheet is filed against him he shall cooperate in the trial proceedings properly and 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.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of her absence, without sufficient cause, the trial court may proceed against him under Section 229-A IPC/269 of the B.N.S., 2023.

(iii) 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./84 of B.N.S.S., 2023 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 IPC/208 of the B.N.S., 2023.

(iv) 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./351 of B.N.S.S., 2023. 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. The present applicant shall not leave the country without prior permission of the Court.

(v) As soon as both the parties attained the marriageable age, they shall apply their marriage under Special Marriage Act and shall get their marriage registered before the marriage registration authority. In the meantime, the applicant shall look after the prosecutrix properly and shall provide her all necessary medical facility which is required to her under condition of pregnancy.

10. The applicant and prosecutrix alongwith her mother, who is complainant shall appear in person before the Court on **03rd September, 2025** to apprise the Court as to whether the present applicant is properly looking after the prosecutrix and also to know as to whether the prosecutrix is satisfied with the efforts and support of the applicant. The interim bail order may be extended on the next date considering the aforesaid aspect and this interim bail application may be made absolute if, the court finds the conduct of the applicant is suitable.

Order Date :- 1.7.2025

Reena/-

(Rajesh Singh Chauhan,J.)