

Court No. - 11

Case :- CRIMINAL MISC. ANTICIPATORY BAIL
APPLICATION U/S 482 BNSS No. - 91 of 2025

Applicant :- Rakesh Rathor

Opposite Party :- The State Of U.P. Thru. Thr Prin. Secy.
Home Deptt. And Another

Counsel for Applicant :- Atul Verma, Arvind Kumar
Verma, Somesh Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan, J.

Heard Sri Atul Verma, learned counsel for the applicant, Sri V.K. Shahi, learned Additional Advocate General of U.P. assisted by Sri Anurag Verma, learned AGA for the State and Dr. Pooja Singh, Advocate who has filed application for dismissal of the anticipatory bail application along with short counter affidavit and vakalatnama, the same are taken on record.

Sri Atul Verma has filed supplementary affidavit enclosing therewith the true copy of the office memorandum dated 20.01.2025 issued by Ministry of Cooperation (Parliament Section), Govt. of India, the same is taken on record.

The present applicant is apprehending his arrest in case crime no. 16 of 2025, under Sections 64/351(3)/127(2) of BNS at Police Station- Kotwali, District- Sitapur.

Sri Atul Verma, learned counsel for the applicant has further submitted that the applicant has been falsely implicated, as he has not committed any offence as alleged. Attention has been drawn towards the impugned First Information Report, wherein, the first date of incident has been indicated as March 2020, but no prompt First Information Report has been lodged. The subsequent incident has been indicated as on 24.08.2024, but again no prompt FIR has been lodged as the FIR has been lodged on 17.01.2025.

Sri Verma has stated that the present applicant is a sitting Member of Parliament of Sitapur and the prosecutrix having ulterior motive has lodged the impugned FIR.

Per contra, Sri V.K. Shahi, learned Additional Advocate General of U.P. has submitted that this is not a case of false implication

inasmuch as the prosecution story so narrated in the FIR as well as in the statements of prosecutrix recorded under Section 180 and 183 BNSS are intact. Therefore, the present applicant is not entitled for anticipatory bail.

Dr. Pooja Singh, learned counsel for the informant/prosecutrix has submitted that the prosecutrix could not lodge FIR instantly for the reason that she was apprehending that she will be defamed if she lodges FIR promptly, but when his husband and his family members came to know about the illegal act of the applicant, recently, she launched the impugned FIR. She has further submitted that the prosecutrix is able to convince the learned trial Court that she has been subjected to rape by the applicant.

Sri Atul Verma has placed reliance on some judgements of the Apex Court and this Court and replying those judgements, Sri V.K. Shahi assisted by Sri Anurag Verma has placed reliance on some judgements of Apex Court and of this Court.

However, after arguing at some length, Sri Atul Verma has requested that the present applicant may be given some time to appear/surrender before the learned trial Court and may file his regular bail application etc. and the direction may be issued to the learned trial Court to decide those application(s) with expectation, so that the present applicant could attend the Budget Session which would be starting with effect from 31st January 2025 till 13th February 2025, if he gets relief from the Hon'ble Court.

Having considered the aforesaid submission of Sri Atul Verma, without entering into the merits of the issue, I hereby dispose of this application finally at the admission stage, giving liberty to the present applicant to appear/surrender before the learned trial Court within a period of two weeks and may file his regular bail application taking all pleas and grounds which are available to him, including the legal pleas, if any, and if such application is filed by the applicant, the same may be heard and disposed of finally with expedition by speaking and reasoned order, without giving any unnecessary adjournment to any of the parties.

Accordingly, this application is **disposed of** finally, in view of the aforesaid terms.

Order Date :- 29.1.2025

Anurag