

Jitendra (In Jail) Vs. State of U.P.

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SooperKanoon Citation : sooperkanoon.com/490955

Court : Allahabad

Decided On : Feb-24-1999

Reported in : 2000CriLJ3087

Judge : K.D. Shahi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 363, 366 and 376

Appeal No. : Criminal Misc. Bail Application No. 2754 of 1999

Appellant : Jitendra (In Jail)

Respondent : State of U.P.

Advocate for Def. : Govt. Adv.

Advocate for Pet/Ap. : V.D. Ojha, Adv.

Judgement :

ORDER

K.D. Shahi, J.

1. Heard learned counsel for the parties.

2. The rape is a very serious crime. It not only demolishes the moral and physical structure of the prosecutrix but also demolishes the very existence of virginity of a lady; but false implication is rather more dangerous than it. In this case when the

F.I.R. was lodged, it was specifically alleged that Jitendra and one more boy pounced over the prosecutrix and overpowered her as a lion, tied her mouth, physically lifted and took her in sugar cane crop and committed rape. The victim became unconscious. When she regained conscious next day instead of sugar cane crop, she was found in a room. The allegations are very serious. Had the police not taken care of it, everybody could have blamed the police like anything and all the sections of Society including Mahila Manch, Mahila Andolan and Human Rights Commission would have come on the roads with slogans 'look here in a rape case like it no action is being taken'. But everybody will sleep silent if there is false implication and a person is confined to jail for months together. In this case the victim filed an affidavit and she alleged that she has falsely implicated accused Jitendra. Will she return three months imprisonment? If not, she should also suffer the consequences of false implication. The Superintendent of Police, Muzaffarnagar is hereby directed to look into the matter to get a case registered against her and to take necessary action as permissible under law so that as the sanctity virginity of a woman may be preserved but side by side the life and liberty of a male should also may remain preserved. Superintendent of Police, Muzaffarnagar is further directed to make compliance of this order and to report within a period of three months from today. At any rate although neither victim nor the police and nor this Court can return three months of applicant Jitendra for which he remained in custody due to false F.I.R.

3. Applicant Jitendra involved in case crime No. 88 of 1998, under Sections 363, 366, 376 I.P.C., police station Ratanpuri, District Muzaffarnagar is ordered to be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of Court concerned.

4. Registry is directed to send a copy of this order to Superintendent of Police Muzaffarnagar for compliance.

5. Let a copy be issued to the applicant on payment of usual charges today.