

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5755 of 2023

Applicant :- Deshraj

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

Counsel for Applicant :- Ram Jatan Yadav, Prashant Kumar Lal

Counsel for Opposite Party :- G.A., Kamal Singh, Santosh Kumar Yadav

Hon'ble Sameer Jain, J.

1. Heard Sri Ram Jatan Yadav, learned counsel for the applicant; Sri Santosh Kumar Yadav, learned counsel for the informant and Sri Santosh Nigam, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 877 of 2022, under Sections 363, 366, 376 IPC and Section 3/4 POCSO Act, Police Station Sikandra, District Agra, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the applicant and others under sections 366 IPC and according to the FIR after marriage of the daughter of the informant aged about 27 years when she came at her paternal home, applicant and others have enticed her away.
4. It is further mentioned in the FIR that huge amount of money and jewelries of the informant and her in-laws have also been taken by the accused.
5. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and admittedly, victim is major and married lady and she herself had gone along with the applicant and this fact is evident from her both the statements recorded under sections 161 and 164 Cr.P.C.
6. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 24.12.2022 i.e. for more than ten months.
7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the

arguments on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that victim is major and married lady and from her statements recorded during investigation, it appears that she according to her own wish had gone alongwith the applicant, in my view, applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant-**Deshraj**, be released on bail in the aforesaid case on furnishing a personal bond and 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 trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 3.11.2023

Ankita