

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32369 of 2023

Applicant :- Daswant

Opposite Party :- State of U.P.

Counsel for Applicant :- Shams Uz Zaman, Amrita Kashyap, Rampyare Lal Srivastava, Subash Chandra Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard Ms. Amrita Kashyap, learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged as a missing person report. Subsequently, in the statement of victim recorded under Sections 161 and 164 Cr.P.C., the victim did not support the the prosecution story and stated that she lived with the applicant for the last three years and gone with the applicant with her own free will.
3. Counsel for the application submitted that the applicant has no criminal history and he is languishing in jail since 17.5.2023.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. In view of the said statement coupled with the fact that applicant has no criminal history, without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Daswant** be released on bail in FIR/ Case Crime No. 79 of 2023, under Sections 363, 506 IPC, P.S. Hanumanganj, District Kushinagar, on his furnishing personal bonds and two reliable sureties of Rs. 25,000/- each to the satisfaction of the court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;
 - (b) The applicant shall not commit any offence similar to the

offence of which he is accused or suspected of the commission;
and

(c) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

Order Date :- 3.11.2023

S.A.