

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34929 of 2023

Applicant :- Guddu

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Waseem

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application, applicant seeks bail in Case Crime No.637 of 1995, under Sections 363, 366 IPC, Police Station Baradari, District Bareilly, during the pendency of trial.

3. Learned counsel for the applicant contends that the accused had married with the sister of the informant and from the wedlock seven issues have born. He was not knowing that in this case being Case Crime No.637 of 1995, under Sections 363, 366 IPC has been registered against him and his mother, Akhtari Begum in respect of which he was arrested in the year 2023 and is in jail since 16.06.2023. Since the victim has not been arrested/recovered till now, hence her statement under Sections 161 and 164 CrPC has not been recorded by the investigating officer and the Magistrate. It appears that a charge-sheet had been submitted against the applicant and his mother in mafroori and standing warrant was issued against the absconding accused persons. It is also contended that there is no criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the learned counsel for the applicant, from the record.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Guddu**, involved in the aforesaid case

crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 5.12.2023

Shahroz