

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35048 of 2023

Applicant :- Shamim

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The case in question is a sequel to the earlier case No. 284 of 2022 registered under Section 363 and 366 IPC, wherein, the father of the informant girl had lodge an FIR against the applicant as they were against the marriage of the applicant with the girl who had fled.
3. It is argued that daughter of the informant had filed a Writ Petition No. 385 of 2023 seeking protection of this Court which was also granted. Subsequently, by exerting the pressure, the respondent took away the daughter and now the present FIR has been filed. The applicant has no criminal history except for theses two cases.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the overall submissions and the fact that both applicant and the daughter of the informant had approached this Court by filing a writ petition for grant of protection, It do not see any reason why the applicant should not be enlarged on bail. The applicant is in custody since 04.04.2023, 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 **Shamim** be released on bail in FIR/ Case Crime No. 260 of 2023, under Sections 452, 307 IPC, P.S. Baradari, District Bareilly, 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.