

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36916 of 2019

Applicant :- Monu Yadav @ Tenchu Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Kumar Singh, Brijesh Kumar Sharma

Counsel for Opposite Party :- G.A., Suhel Ahmad Azmi, Vinod Kumar Tirpathi

Hon'ble Sameer Jain, J.

1. Heard Sri Nimesh Kumar Shukla, learned counsel for the applicant, Sri Vinod Kumar Tripathi, learned counsel for the informant and Sri Ghanshyam Mishra, learned Brief Holder for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 900 of 2017, under Sections 323, 506, 363, 366, 376 IPC and Section 3/4 POCSO Act, Police Station Line Bazar, District Jaunpur during pendency of the trial.

3. FIR of the present case was lodged against applicant and others and according to the FIR applicant and others abducted the sister of the informant aged about 15 years, who was student of class 11th.

4. Learned counsel for the applicant submitted that entire allegation made against the applicant was totally false and actually applicant and victim both loved each other and now they have performed marriage with each other and no dispute is left between both of them and even informant and victim are not having any objection if applicant be enlarged on bail.

5. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 15.07.2019 i.e. for more than four years.

6. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is in jail for more than four years and dispute between both the parties have been resolved and marriage of the applicant with victim has already been solemnized.

7. Learned counsel for the informant also conceded the fact that due to intervention of this Court applicant has performed marriage with the victim and no dispute is left between both sides and even informant and victim are not having any objection, if applicant be enlarged on bail.

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

9. Considering the fact that during pendency of instant bail application marriage of the applicant has been solemnized with the victim and neither victim nor informant of the case are having any objection, if applicant be enlarged on bail, 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 - **Monu Yadav @ Tenchu Yadav** 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 :- 22.11.2023

AK Pandey