

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37904 of 2023

Applicant :- Narendra Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Akash Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the bail application as well as the counter and rejoinder affidavits.

2. In terms of the FIR, it was alleged that son of the informant aged about 3 years was missing and was allegedly abducted. Subsequently, on the basis of investigation through CCTV cameras, one lady and two persons were found to be abducting the child. It is revealed that on the basis of a search carried out during investigation, the child in question was recovered from one lady who named herself as Ravita Verma. She also stated that she had purchased the child and she had given the child to her father, the applicant in the present case, who had taken the child to Bihar, their native place. Based upon the said, the applicant was also arrested.

3. Contention of counsel for the applicant is that no allegation of abduction was made against the applicant in either the statements or even in the CCTV footage. It is argued that the alleged recovery of the child from the railway station is admittedly in the absence of any independent witness and in any case, no allegation of abduction was made against the applicant and the only allegation by Ravita Verma was that she had given the child to her father. In the light of the said, it is argued that there are no allegations against the applicant so as to link him with the offence in question except for the statement of Ravita Verma which also *prima-facie*, do not attract Section 363 & 370 IPC. The applicant has no criminal antecedent and is in custody since 30.06.2023.

4. Learned AGA has opposed the bail application.

5. Considering the submissions made at the Bar and recorded above and the fact that there are no allegations of abduction against the applicant and the only evidence against the applicant is the statement of the co-accused, as such, the applicant is entitled to

be enlarged on bail. In view thereof, the application is ***allowed***.

6. Let the applicant ***Narendra Prasad*** be released on bail in FIR No.456 of 2023, under Section 363, 370, 120B IPC, P.S. Shahpur, District Gorakhpur on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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 :- 21.11.2023

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