

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41602 of 2023

Applicant :- Golu @ Arun Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned Counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 41 of 2023, under Section 4/5/6 of the Immoral Traffic (Prevention) Act, 1956, Police Station- Jaitpura, District- Varanasi during pendency of the trial.
3. Counsel for the applicant contends that the applicant was not named in the first information report and has been falsely implicated in the instant case. There are major inconsistencies in the statement of the victim under Sections 161 Cr.P.C. and 164 Cr.P.C. The victim has not levelled any allegation against the applicant with regard to kidnapping, abduction and immoral traffic activities. The allegations have been made by the manager of Suyog Guest House against the applicant. It is contended that the said statement was made in police custody and is unreliable. The applicant does not have any criminal history. The applicant is in jail since 6.6.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. The victim has not levelled any allegation against the applicant with regard to kidnapping, abduction and immoral traffic activities. Further the applicant has presently remained confined for more than four months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the

merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, Golu @ Arun Patel involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 19.10.2023
S.S.