

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42364 of 2023

Applicant :- Pintu

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Parmeshwar Kr. Chaudhary, Neha Rajput

Counsel for Opposite Party :- G.A., Chandra Prakash Misra

Hon'ble Sameer Jain, J.

1. Heard Sri Parmeshwar Kr. Chaudhary, learned counsel for the applicant; Sri Chandra Prakash Misra, learned counsel for the informant and Sri Jhamman Ram, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 640 of 2023, under Sections 363, 366, 376 IPC and Section 5/6 POCSO Act, Police Station Kotwali Padrauna, District Kushinagar, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the applicant and co-accused Rajan and according to the FIR applicant has enticed away the married daughter of the informant.
4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and admittedly victim is a major girl aged about more than 18 years and she according to her own wish had gone alongwith the applicant and this fact is evident from her both the statements recorded under sections 161 and 164 Cr.P.C.
5. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 22.7.2023.
6. Per contra, learned AGA and learned counsel for the informant opposed the prayer for bail but could not dispute the fact that victim is a major girl and from her both the statements recorded under sections 161 and 164 Cr.P.C., it is apparent that she on her own wish had gone alongwith the applicant.
7. I have heard learned counsel for the parties and perused the

record of the case.

8. Considering the fact that victim is a major girl and according to her both the statements recorded under sections 161 and 164 Cr.P.C., she on her own had gone along with the applicant, in my view, applicant is entitled to be released on bail.

9. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

10. Let the applicant-**Pintu**, 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.

11. 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.

12. 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 :- 18.10.2023

Ankita