

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43318 of 2023

Applicant :- Dharmendra @ Ranu

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

Counsel for Applicant :- B.N.Singh, Manish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Dr. S.B.Maurya, learned AGA-I, for the State, submits that notice has been served to the informant of the case on 7.10.2023.
2. Despite service of notice, none appeared on behalf of the informant.
3. Heard Sri Manish Kumar Singh, learned counsel for the applicant and Dr.S.B.Maurya, learned AGA-I, for the State.
4. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.27 of 2023, under Sections 363, 366, 376, 506 and 109 IPC, Section 17/4 POCSO Act and Section 3/25 Arms Act, Police Station Madhogarh, District Jalaun during pendency of the trial.
5. FIR of the present case was lodged against two persons (non applicant) and according to the FIR, nominated accused Manish Kushwaha with the help of his brother Umesh enticed away the daughter of the informant aged about 16 years.
6. Learned counsel for the applicant submits that applicant was not named in the FIR but when the statement of victim was recorded under Section 161 Cr.P.C. then she stated that applicant provided help to her and co-accused Manish Kushwaha to perform marriage.

7. He further submits that except the allegation of facilitation there is no allegation against the applicant.
8. He further submits that principal co-accused Manish Kushwaha, who was having relationship with the victim has already been released on bail by Coordinate Bench of this Court on 17.7.2023 vide Criminal Misc. Bail Application No. 28829 of 2023. He produced the bail order of co-accused Manish during the course of argument which is taken on record and marked as "A".
9. He further submits that applicant is not having any previous criminal history to his credit but after his arrest on the basis of his confessional statement he has been roped in as many as eight cases of theft and out of eight cases in five cases he has been released on bail.
10. He further submits that criminal history of applicant has been explained in paragraphs-21 and 22 of the affidavit filed in support of the present bail application.
11. He further submits that applicant is in jail in the present matter since 26.2.2023, i.e., for more than six months.
12. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.
13. I have heard learned counsel for the parties and perused the record of the case.
14. However, it appears that applicant is having criminal history of eight other cases to his credit but it reflects that after his arrest in all the eight cases, he was made accused on the basis of which

his confessional statement and all these cases were of theft.

15. Further, only allegation against the applicant is that he facilitated the victim and co-accused Manish to perform marriage and co-accused Manish has already been released on bail and applicant is in jail since 26.2.2023.

16. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

18. Let the applicant-**Dharmendra @ Ranu** 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.

19. 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.

20. 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 :- 27.10.2023
SKM