

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43583 of 2023

Applicant :- Vishal Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Awanish Kumar Shukla, Abhishek Dwivedi, Vipul Kumar Dubey

Counsel for Opposite Party :- G.A., Sanjeev Kumar Asthana

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and Sri Sanjeev Kumar Asthana, learned Counsel for the complainant and perused the record.

2. The FIR in question was lodged under Section 366 IPC alleging that the daughter of the informant enticed by the entire family members of the applicant. The statements under Sections 161 and 164 of Cr.P.C. do not support the prosecution story, even otherwise, the entire family members have been granted bail; four of which have been granted anticipatory bail and two have been granted regular bail.

3. Learned A.G.A. vehemently opposed the bail prayer.

4. Considering the statements under Sections 161 and 164 of Cr.P.C. coupled with the fact that the co-accused have been enlarged on bail and the applicant is in custody since 02.08.2023 and has no criminal antecedents, I am of the view that the applicant is entitled to be released on bail.

5. Accordingly, the bail application is ***allowed***.

6. Let the applicant ***Vishal Tiwari*** be released on bail in FIR/ Case Crime No.77 of 2023, under Sections 366, 328, 342, 504, 506 IPC, Police Station Oonj, District Bhadohi on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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 :- 31.10.2023

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