

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44835 of 2023

Applicant :- Sunil Chaudhary

Opposite Party :- State of U.P.

Counsel for Applicant :- Priti Singh, Mayank Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Supplementary affidavit filed on behalf of applicant in the Court today is taken on record.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The FIR in question was lodged alleging therein that applicant and other co-accused Sulla alias Sunil had enticed away the minor daughter of the informant, aged about fifteen years. Subsequently in her statement recorded under Sections 161 and 164 Cr.P.C. the victim did not support the prosecution case and categorically stated that she had gone with co-accused Sulla alias Sunil to NOIDA. He next submits that the victim has specifically stated that she was in love with the applicant and in view of the above the ingredient of Sections 363 and 366 is not made out against the applicant. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 25.09.2023.

3. Learned AGA has opposed the bail application.

4. Considering, the argument advanced by learned counsel for the applicant, considering the statements of the victim recorded under sections 161 and 164 Cr.P.C., the applicant is entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.

5. Let the applicant **Sunil Chaudhary** be released on bail in FIR No. 487 of 2023, under sections 363 and 366 I.P.C., P.S. Atrauli, district-Aligarh, 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 :- 1.11.2023

Faridul