

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44965 of 2023

Applicant :- Ankur Tyagi

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

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

2. The FIR in question was lodged alleging that on 11.08.2023, the applicant had called the informant to hotel and tried to throttle her with a Dupatta. Learned counsel for the applicant argues that the victim in her own statement subsequently stated that she was not willing to give her statement under Section 164 Cr.P.C., and had also stated that Dupatta allegedly used in the offence in question was lost by her. In the medical report also, although it is indicated that marks of throttling are visible on the neck, however, the use of Dupatta is not corroborated in the medical report. The applicant has no criminal antecedent.

3. Learned AGA has opposed the bail application.

4. Considering the nature of the allegations coupled with the fact that the victim herself has refused to record statement under Section 164 Cr.P.C., and the Dupatta allegedly used was also not recovered coupled with the fact that the applicant is in custody since 12.08.2023 and there is no material to demonstrate that the applicant, if enlarged on bail, can adversely affect the trial, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

5. Let the applicant ***Ankur Tyagi*** be released on bail in FIR No.587 of 2023, under Section 307 IPC, P.S. Nandgram, District Ghaziabad 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

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