

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46202 of 2023

Applicant :- Chote

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Kumar Rajput

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and Sri P. Dixit, learned Counsel appearing on behalf of the informant and perused the record.
2. The FIR in question was lodged on 02.08.2023 alleging that on 02.03.2021, the brother of the informant went missing and was not available. Subsequently a statement was recorded that the applicant was having an affair with the wife of the missing person and thus, a motive was suggested that he along with the wife of Angoori Devi may have abducted the brother of the informant. Based upon the said statement alone, the applicant has been arrested.
3. The Counsel for the applicant argues that the FIR has been registered after two years of the incident without any explanation in lodging the FIR. He argues that the applicant has no criminal history.
4. The Counsel for the complainant opposed the bail prayer by arguing that the abducted person has not been recovered as yet.
5. Learned A.G.A. also vehemently opposed the bail prayer.
6. Considering the fact that the FIR has been lodged after a period of two years of the incident without there being any plausible explanation for inordinate delay in lodging the FIR coupled with the fact that the applicant has no criminal antecedents and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.

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

8. Let the applicant ***Chote*** be released on bail in FIR/ Case Crime No.295 of 2023, under Section 365 IPC, Police Station Chharra, District Aligarh 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 :- 1.11.2023

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