

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45826 of 2023

Applicant :- Sumit Kumar

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

Counsel for Applicant :- Hari Bans Singh, Dharm Jeet Singh

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 as a missing person report. Subsequently, on recovery, the victim stated that she was knowing one Rahul Paswan for the last 8 years and they had got married on 14.12.2020 and thereafter on 22.02.2023 she had gone alongwith Rahul to Mumbai. In the statement under Section 164 Cr.P.C., she made a slight diversion and stated that three persons namely Rahul, Sumit (present applicant) and Janu had taken her to Ballia station and thereafter, she had gone with Rahul and thereafter she married Rahul and formed physical relations with him.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the applicant was neither named in the FIR nor in the statement under section 161 Cr.P.C., and his name surfaced for the first time in statement under Section 164 Cr.P.C. that too without there being any allegation of use of force against the applicant, the applicant who is in custody since 04.08.2023 and has no criminal antecedent, is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

5. Let the applicant ***Sumit Kumar*** be released on bail in FIR No.102 of 2023, under Section 363, 366A IPC & Section 16/17 of POCSO Act, P.S. Bariya, District Ballia 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 :- 31.10.2023

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