

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46854 of 2023

Applicant :- Rahul Nagar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Ajay Kumar, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.278 of 2023 and Session Trial No.1177 of 2023, under Sections 344, 363, and 376 IPC, Police Station Phaphood, District Auraiya during pendency of the trial.
3. FIR of the present case was lodged on 3.8.2023 against the applicant and according to the FIR on 19.5.2023 applicant enticed away the informant, who is married lady, from her 'Sasural' and detained her for two months and sexually exploited her.
4. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and although victim in the FIR and in both the statements recorded during investigation stated that applicant exploited her but the story narrated by her appears to be vague and no reliance can be placed on such version.
5. He further submits that it is hard to believe that a person against the wishes of fully grown up major and married lady can detain her for two months.
6. He further submits that actually applicant is the distant relative of the informant and informant herself in anger left her

matrimonial home and started living with him and this fact is evident from the statement of the husband of the informant recorded by Investigating Officer during investigation.

7. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter since 18.8.2023.

8. Per contra learned AGA although opposed the prayer for bail but h could not dispute the argument on facts advanced by the learned counsel for the applicant.

9. I have heard learned counsel for the parties and perused the record of the case.

10. Considering the fact that victim is a married and major lady and the story narrated by her does not inspire confidence and according to her husband she herself had left her matrimonial home and FIR of the present case was lodged after about two months, in my view, applicant is entitled to be released on bail.

11. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

12. Let the applicant- **Rahul Nagar** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social

activity.

13. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

14. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 3.11.2023

SKM