

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47549 of 2023

Applicant :- Shivam Maurya

Opposite Party :- State of U.P.

Counsel for Applicant :- Arvind Prabodh Dubey

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 perused the record.

2. The FIR in question was lodged as a missing person report. Subsequently, in the statement of the victim recorded under Section 164 Cr.P.C., she has stated that she knows the applicant and had gone with him out of her own free will, nothing wrong was done with her.

3. Counsel for the applicant submitted that applicant has no criminal history and he is in custody since 15.9.2023.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the averments in the FIR, the statement of the victim and the applicant has no criminal history, 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.

6. Accordingly, the bail application is allowed.

7. Let the applicant **Shivam Maurya** be released on bail in FIR/ Case Crime No. 447 of 2023, under Sections 363, 366 IPC, P.S. Sahjanwa, District Gorakhpur, 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 :- 7.11.2023

S.A.