

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48311 of 2023

Applicant :- Sanjeev Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Saxena, Mujeeb Haider

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 138 of 2023 at Police Station-Kundarki, District-Moradabad under Section 376, 506 IPC and Section 3/4 D.P. Act. The applicant is in jail since 02.08.2023.

The bail application of the applicant was rejected by the learned trial court on 17.10.2023.

The following arguments made by Shri Rahul Kumar Pal, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Rishi Chaddha, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant and the victim were in a relationship.
2. The applicant and the victim were engaged to be married.
3. The applicant never gave a false promise to the victim to marry her and the proposal could not materialize into marriage because of irreconcilable differences between the two families.
4. The applicant did not establish physical relations with the victim.
5. The FIR is being leveraged to extort money from the applicant

and force him to marry the victim.

6. The applicant does not have any criminal history apart from this case.

7. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-**Sanjeev Kumar** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 9.11.2023
Vandit