

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1532 of 2023

Applicant :- Sajni

Opposite Party :- State Of U.P. Thru. Pirn. Secy. Home Lko.

Counsel for Applicant :- Vivek Tiwari, Bal Keshwar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bal Keshwar Srivastava, learned counsel for the applicant, Sri Narendra Kumar, learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 642 of 2022, under Sections 372, 373, 344 IPC and 3/4/5 Immoral Traffic Prevention Act, 1956, Police Station Atrauli, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.11.2022 against nine persons, including the applicant, stating that the police had recovered a 17 years old girl, who stated that she had been kidnapped by the accused persons, who had forced her into prostitution.

4. In the affidavit filed in support of bail application it has been stated that the applicant is 22 years old woman having no criminal history and she is languishing in jail since 01.11.2022. It has also been stated in the affidavit filed in support of the application that the applicant has delivered a daughter in jail on 22.12.2022.

5. The State has filed a counter affidavit opposing the bail application and annexing with material collected during investigation.

6. A supplementary affidavit has been filed on behalf of the applicant annexing therewith a copy of the statement of the victim recorded by the trial court, wherein she stated in her cross-examination that the accused persons who were present in the court, were not involved in her kidnapping or in her illegal detention. She further stated that the accused persons did not make her indulge in prostitution. The victim stated that she had given the statement in examination-in-chief under pressure of the police persons. The victim has further stated that her

stepmother used to beat her and treat her cruelly, therefore, she had gone with the co-accused Abhishek out of her free will. Abhishek has not been made an accused in the present case.

7. Three co-accused persons, namely, Somil, Sitesh and Munna have already been granted bail in the present case.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the statement of the victim given in her cross-examination and also the fact that the applicant is a 22 years old woman having no criminal history and she is languishing in jail since 01.11.2022 and the statement of victim already having been recorded, in case of his release on bail she will not be in a position to influence the witness now and that because of the incarceration of the applicant, her new born baby is also forced to live in prison and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid case.

9. Accordingly, this bail application stands ***allowed***.

10. Let the applicant-***Sajni*** 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 magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 15.12.2023

Pradeep/-