

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1545 of 2023

Applicant :- Neeraj

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Applicant :- Ashish Kumar Singh, Arvind Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

As per learned A.G.A., notice has been served on opposite party no. 2 but no one has put in appearance for opposite party no. 2, the complainant despite of sufficient service.

This application has been moved by the applicant - Neeraj to enlarge him on bail in Case Crime No. 476 of 2022 under Sections 363, 366, 504, 506 IPC and 7/8 POCSO Act, Police Station Maurawan, District Unnao.

It is argued by the learned counsel for the applicant that as per statement of the victim under Sections 161 and 164 Cr.P.C. the victim was in love with the applicant. She left her home on her own volition. She is not said to have been recovered from the possession of the applicant. No internal or external injury is found on the person of the victim. As per medical report on record, the age of the victim at the time of incident was found 17 years. There is no criminal history to the credit of the applicant. The applicant is languishing in jail since 30.09.2022, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that at the time of incident the victim was 16 years of age. Hence, the consent of the victim has no importance.

From perusal of the record, it is found that a report was lodged by the mother of the alleged victim that the applicant had enticed away the minor daughter of the first informant on 25.09.2022 and after this FIR, the victim was recovered on 28.09.2022 from the bus stop. In the statement under Sections 161 and 164 Cr.P.C. the victim has not made any complaint

against the applicant. She has stated that she had gone with the applicant by her own free will. There is no allegation of rape against the present applicant in the statement of the victim. No criminal history is alleged against the applicant. The applicant is languishing in jail since 30.09.2022.

Considering the facts and circumstances of the case, perusing the record, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merits of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant **Neeraj** involved in the aforesaid case be released on bail on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 7.12.2023

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