

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2065 of 2023

Applicant :- Robin

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

Counsel for Applicant :- Haider Ali

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.

This application has been moved by the applicant - Robin to enlarge him on bail in Case Crime No. 80 of 2022 under Sections 305, 293, 511, 504, 506 IPC, Police Station Gautampalli, District Lucknow.

It is argued by the learned counsel for the applicant that there was a friendship between the alleged victim and the applicant and regarding this matter the family members of the alleged victim came to the house of the applicant and assaulted him physically. The doctor found injuries on his person. It is also reported that the alleged victim is at her home hale and healthy. The applicant is languishing in jail since 23.10.2022. The allegations are denied. Hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that in her statements under Sections 161 and 164 Cr.P.C. the victim has supported the version of the FIR that the applicant used to send her obscene messages. A complaint was made to the family members of the applicant. after this, the applicant and his family members are said to have come to the house of the first informant, used filthy language and gave threat of life. This incident brought a bad name to the family of the victim and feeling insulted the victim made an attempt to suicide.

From perusal of the record, it is found that as the applicant allegedly used to send obscene messages to the first informant and when the mother of the first informant resisted and made complaint to the applicant and his family members, they are said to have come to the house of the first informant, hurled abuses and gave threat of life and also gave threat that they would kidnap the alleged victim. It is the allegation that feeling insulted the alleged victim made an unsuccessful attempt of

suicide. But no such obscene messages are said to have been produced before the Investigating Officer, as those messages are said to have been deleted by the victim herself. Now the victim is said to be hale and healthy and staying with her family members. The applicant is languishing in jail since 23.10.2022.

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 **Robin** 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 the 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 :- 6.12.2023

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