

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 7709 of 2020

Applicant :- Avnessh Kumar @ Abneesh Anticipatory Bail

Opposite Party :- State of U.P.

Counsel for Applicant :- Anupam Bajpai, Sushil Kumar

Counsel for Opposite Party :- Nooran Husain Khan

Hon'ble Subhash Vidyarthi, J.

Case called out.

Nobody is present on behalf of the applicants to press the application.

Ms. Priya Jaiswal, the learned Counsel is present on behalf of the State.

The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.079 of 2020, under Sections 342, 363, 366-A, 504, 506 I.P.C., registered at Police Station Saidullah Nagar, District Balrampur.

The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.07.2020 against two named accused persons, including the applicant alleging that the applicant had enticed away the informant's minor niece on 11.03.2020 and they dropped them back outside the village after three days. The F.I.R. has been lodged on 28.07.2020 i.e. more than four and half months after the incident.

The applicant was granted interim anticipatory bail by means of an order dated 10.03.2021.

Thereafter, the State has filed a counter affidavit and the complainant has put in appearance but has not filed any counter affidavit.

Section 438 Cr.P.C. mandates for an application for anticipatory bail to be decided within thirty days, but none present on behalf of the applicant to press the application.

Learned A.G.A. did not point out any violation of the conditions of interim anticipatory bail committed by the applicant. Nothing has come to light which may persuade this

court to take a view, other than the view taken at the time of granting interim anticipatory bail to the applicant.

In view of above, the interim order dated 10.03.2021 is made absolute and the anticipatory bail application is **allowed**.

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(Subhash Vidyarthi, J.)

Order Date :- 21.12.2023

Ram.