

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10762 of 2022

Applicant :- Nand Kishor

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

Counsel for Applicant :- Lalji Prasad Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Lalji Prasad Shukla, learned counsel for the applicant, Sri Amit Kumar Dwivedi, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.157 of 2022, under Section 364-A I.P.C., registered at Police Station Sidhauli, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.05.2022 at 11.30 hrs. alleging that the applicant used to work as a labour in the informant's godown. He was demanding Rs.1200/- from the informant but the informant did not give the amount. The applicant had told the informant's cousin that the informant has not paid him an amount of Rs.1200/- but he will give him Rs.2.5 lacs. Thereafter, the applicant kidnapped the informant's son aged about four years. The informant went to the police station and told about the incident to the Superintendent of Police and the Superintendent of Police called the applicant by sending the police.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. The State has filed a counter affidavit opposing the bail application. The relevant extracts of the case diary annexed

with the counter affidavit indicates that the applicant was arrested from a public road on the basis of an information received from a mukhbir while he was standing there along with the child.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the Investigating Officer claims that the applicant had been arrested on the basis of an information received from a mukhbir when he was standing on a public road along with the child, whereas the F.I.R. itself states that the Superintendent of Police had called the applicant by sending police, from which narration prima facie it appears that the applicant had been brought to the police station prior to lodging of the F.I.R. and the F.I.R. makes no mention that the child was accompanying the informant or having been recovered from the custody of applicant and that the applicant has no previous criminal history and he is languishing in jail since 07.05.2022 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 crime.

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

8. Let the **applicant-Nand Kishor** 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 :- 29.11.2023

Ram.