

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13009 of 2022

Applicant :- Baktawar @ Waseem

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

Counsel for Applicant :- S Malik E Ashtar Rizvi,Krishna Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Krishna Kumar Tiwari, the learned counsel for the applicant, Sri Virendra Kumar, the 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. 158 of 2022, under Sections 363,366,504,506 I.P.C. registered at Police Station Jahangirbad, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.6.2022, against the applicant, his brother and mother stating that the applicant's brother co-accused Soyeb had enticed away the informant's daughter aged about 16 years on 23.6.2022 and upon making enquiries, the informant came to know that the applicant had dropped the informant's daughter on his motorcycle to his brother Soyeb.
4. In the affidavit filed in support of bail application it has been stated that the the applicant's date of birth is 02.02.2005 and the applicant was minor at the time of the commission of the offence.
5. In the statement of the victim recorded under Section 164 CrPC, she did not level any allegation against the applicant.
6. The co-accused Rukhsana has been granted bail in the present case by means of an order dated 19.9.2022 passed by the Additional Sessions Judge, court no. 19, Barabanki.
7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
8. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that the applicant has no previous criminal history and he is languishing in jail since 29.6.2022 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.

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

10. Let the applicant- **Baktawar @ Waseem** 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
Shravan