

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12126 of 2023

Applicant :- Jakarunnisha

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manoj Kumar Singh, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I 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.360 of 2022, under Sections 363, 370 I.P.C., registered at Police Station Dargah Shariff, District Bahraich.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.11.2022 alleging that four years old son of the informant got separated from his mother while they had gone to a *dargah* and in the CCTV footage, the child was being seen going away on an e-rickshaw along with three unknown persons.
4. In the statement of the informant recorded under Section 161 Cr.P.C., he reiterated the FIR version but in his additional statement he stated that one Puja Devi had demanded Rs.20,000/- for release of the child and thereafter she did not meet the informant.
5. 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. After his arrest, the applicant has been implicated in another case registered at Case Crime No.99 of 2023 under Section 323 IPC.
6. The learned A.G.A. has opposed the prayer for bail and has

submitted that it has come to light during investigation that the applicant was involved with co-accused Puja Devi in commission of the offence.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that it is claimed by the prosecution that the applicant was one of the persons seen in the CCTV footage of the incident; that no witness has seen the applicant committing the offence and no incriminating material has been recovered from his possession or on his pointing out; that the applicant has no previous criminal history and he is languishing in jail since 05.04.2023 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.

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

9. Let the **applicant**-Jakarunnisha be released on bail in Case Crime No.360 of 2022, under Sections 363, 370 I.P.C., registered at Police Station Dargah Shariff, District Bahraich 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.

(Subhash Vidyarthi, J.)

Order Date :- 11.10.2023
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