

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12442 of 2023

Applicant :- Deepu Vishwas

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lucknow And 3 Others

Counsel for Applicant :- Manoj Kumari Tiwari, Sumit Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Manoj Kumar Tiwari, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. for the State and Sri Lalit Mohan Singh Rajan, Advocate who has put in appearance on behalf of the informant and has filed his vakalatnama, which is taken on record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 277 of 2023, under Sections 363, 366, 354, 506 I.P.C. and Section 7/8 of of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Pachpedwa, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.07.2023 stating that the informant's daughter aged about 16 years did not return home from her school. The victim was produced before the child welfare committee on 18.07.2023 and during conversation with the committee members she stated that she was going to Kolkata without informing her family members and thereafter she was handed over to the custody of her mother. In the statement of the victim recorded on the following day by the Investigating Officer, she stated that the applicant had called her and was taking her for marrying her.

4. The victim declined to undergo medical legal examination. In the statement of the victim recorded under Section 164 Cr.P.C. she levelled certain further allegations which were not there in her earlier statement.

5. In the affidavit filed in support of bail application it has been stated that the applicant is a 25 years old innocent person, he has been falsely implicated in the present case and he has no criminal history.

6. The counsel for the informant has opposed the bail application and has submitted that the victim is a minor and the applicant was wrongfully taking her with him.

7. Having considered the aforesaid facts and circumstances of the case, prima facie it appears that the victim had gone missing on 18.07.2023, she was recovered on 19.07.2023 and in her statement recorded on the same day by the members of the child welfare committee she did not level any allegation against the applicant and she did not even mention his name. The victim has merely stated that she was going to Kolkata without informing her family members. After the victim was handed over in the custody of her mother, her subsequent statements were at variance with her statements recorded by the child welfare committee.

8. Keeping in view the aforesaid facts coupled with the fact that the applicant is a 25 years old young man having no previous criminal history and he is languishing in jail since 27.07.2023 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.

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

10. Let the **applicant- Deepu Vishwas** be released on bail in Case Crime No. 277 of 2023, under Sections 363, 366, 354, 506 I.P.C. and Section 7/8 of of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Pachpedwa, District Balrampur 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 :- 19.10.2023
Ram.