

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12684 of 2023

Applicant :- Baddam

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

Counsel for Applicant :- Dinesh Kr. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dinesh Kr. Chaudhary, 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.289 of 2023, under Section 363 I.P.C., registered at Police Station Pachpedwa, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.08.2023 against eight persons, stating that the applicant had enticed away the informant's daughter aged about 15 years on 01.08.2023.

4. In the statement of the victim recorded under Section 161 Cr.P.C. she stated that she used to talk to the applicant on phone, on the applicant's asking, she had gone to Basni station and from there she went to Sohratgarh station and the applicant met him on the way. The victim declined to undergo medical examination. As per Radio logical examination report, her age is between 16-18 years.

5. In the statement of the victim recorded under Section 164 Cr.P.C. she stated that she had gone with the applicant out of her own will and the applicant accompanied and enticed her away. A supplementary affidavit has been filed on behalf of the applicant stating that the applicant is more than 18 years of age.

6. 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.

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; that the applicant is a young man having no criminal history and it cannot be presumed that the applicant would have known the exact age of the victim from her appearance, 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-Baddam** be released on bail in aforementioned 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.

(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023
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