

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12730 of 2023

Applicant :- Hakeem

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

Counsel for Applicant :- Dinesh Kr. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Shi Dinesh Kr. Chaudhary, learned counsel for the applicant and Shri Sanjay Maurya, learned AGA.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.248 of 2023, under Sections 363, 366 and 506 IPC and 3/5(1) of the U.P. Prohibition of unlawful Conversion of Religion Act, registered at Police Station - Laliya, District - Balrampur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.09.2023 alleging that on 01.09.2023, the applicant had attempted to take the informant's minor daughter to Nepal but she somehow managed to come back from Nepal border.
4. In the statement of the victim recorded under Sections 161 Cr.P.C., she stated that she used to talk to the applicant for the past 3-4 months, on 01.09.2023, the applicant had taken her to Balrampur and thereafter he was taking her to Nepal. Her Adhar Card was checked at the border and she was denied passage through the board. While they were returning, the police had stopped the vehicle for checking and the victim somehow escaped.
5. In the statement of the victim recorded under Section 164 Cr.P.C., she alleged commission of rape by the applicant. However, the victim declined to undergo medico legal examination.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident occurred on 01.09.2023 and the victim returned on the same day yet the

FIR has been lodged on 04.09.2023; there are serious discrepancies in the statement of the victim recorded under Sections 161 and 164 Cr.P.C., as noted above; that the victim has declined to undergo medico legal examination and that the applicant has no criminal history and he is languishing in jail since 06.09.2023 and without any progress in trial, and 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- **Hakeem** be released on bail in Case Crime No.248 of 2023, under Sections 363, 366 and 506 IPC and 3/5(1) of the U.P. Prohibition of unlawful Conversion of Religion Act, registered at Police Station - Laliya, 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.

Order Date :- 31.10.2023

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