

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12922 of 2023

Applicant :- Salman

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 Sartaz Ali Ansari, the learned counsel 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.312 of 2023, under Sections 313, 323, 504, 506 I.P.C., registered at Police Station Malhipur, District Shrawasti.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.08.2023 against the applicant and his family members stating that after her divorce the informant was living with the applicant and was four months' pregnant. All the accused persons administered some medicines to the informant on 21.07.2023 due to which she suffered a miscarriage. The informant alleged that the accused persons turned her own of their home at 11.00 p.m. on 27.08.2023. Although, the informant has supported the F.I.R. allegations by her statement, the allegations are not supported by medico legal examination report. In her statement recorded under Section 164 Cr.P.C. the victim stated that the applicant had married her which statement was given by her earlier.

4. 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.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R contains similar allegations against all the accused persons and the allegations levelled against other accused persons could not be established during investigation and a charge sheet has been submitted against the applicant only; that the incident is alleged to have taken place on 21.07.2023 and even as per the informant she continued to live with the applicant till 27.08.2023, without making any complaint; that the allegations are not supported by medico legal examination report; that the applicant is a 27 years old person having no previous criminal history and he is languishing in jail since 25.09.2023 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.

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

8. Let the **applicant-Salman** 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 :- 2.11.2023
Ram.