

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12989 of 2023

Applicant :- Abhishek Kumar

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

Counsel for Applicant :- Abrar Ali

Counsel for Opposite Party :- G.A.,Sagar Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Abrar Ali, the learned counsel for the applicant as well as Sri Sanjay Maurya, the learned A.G.A.-I for the State and Shri Sagar Singh, learned counsel for informant and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 222 of 2023, under Section 363 and 366 I.P.C., registered at Police Station Fatehpur Chaurasi, District Unnao.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 16.7.2023 against the applicant and one Amit Yadav stating that the informant's daughter aged about 18 years had gone away from her house in the night of 14.7.2023 and upon making inquiries, she came to know that the accused persons had enticed her away. In the statement of the victim recorded under Section 161 Cr.P.C. she stated that she is aged about 18 years; she loves the applicant for the last two years and when her family members had beaten her, she had gone with the applicant and has married him. Upon coming to know about lodging of the FIR, she came to the police. She categorically stated that she wants to live with the applicant only. A similar statement was given by the applicant before the Magistrate, wherein she categorically stated that the FIR has been lodged on false allegations. The victim declined to undergo medico-legal examination.
4. Learned counsel for informant has vehemently opposed the bail application and he has stated that the victim's date of birth is 11.7.2006 and on the date of the incident, she was minor.
5. The learned A.G.A. has also opposed the prayer of the 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 consistent statements of the victim that she is aged about 18 years; she had gone with the applicant out of her own freewill and has married him; the applicant is a young man having no criminal history and that when young persons are in love, it cannot be expected that the applicant would be able to ascertain the correct age of the other partner from her mere appearance, I am of the view that the applicant is entitled to be released on bail.

9. Accordingly, this bail application stands allowed.

10. Let the applicant- Abhishek Kumar 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 the 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 :- 3.11.2023

Virendra