

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13031 of 2023

Applicant :- Raju

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

Counsel for Applicant :- Harish Chandra Yadav, Ram Suphal

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Harish Chandra Yadav, learned counsel for the applicant, Smt Poonam Gupta, learned A.G.A. for the State and Smt Mithlesh Singh, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.70 of 2023, under Sections 363, 366, 506 I.P.C. and Section 9/10 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kotwali, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.01.2023 alleging that the applicant had enticed away the informant's daughter aged about 17 years.

4. In the statement of the victim recorded under Section 161 Cr.P.C. she stated that she loves the applicant and for this reason, her family members used to abuse and beat her. Being aggrieved by this, her *bua* had taken her to her home. The victim had herself gone with the applicant and she said that she wants to live with the applicant only.

5. In the medico legal examination of the victim, no mark of injury or any use of force was found on any part of her body and her age has been opined to be 17 years.

6. Before the Magistrate, the victim stated that her father used to beat her and, therefore, she had gone to her *bua's* home. She had gone to

Delhi in search of work. She stated that she does not know the applicant.

7. 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.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that statement of the victim recorded by the Magistrate wherein she did not utter anything against the applicant 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.

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

11. Let the **applicant**-Raju 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 :- 3.11.2023
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