

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13099 of 2023

Applicant :- Suraj

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

Counsel for Applicant :- Gaurav Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Gaurav Srivastava, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A.-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 472 of 2023, under Sections 364, 420 IPC, Police Station - Kotwali, District - Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.06.2023 against five persons, including the applicant, alleging that co-accused Ram Naresh is the informant's uncle, co-accused Suraj is son of co-accused Ram Naresh and co-accused Savitri is wife of Suraj and all the accused persons had taken away the informant's father on 06.06.2023 and they got an agreement of his land executed and they did not let the informant's father return home. Copy of supurdaginama annexed as Annexure No.7 to the affidavit records the statement of the informant that her father had returned and she was taking him with her.
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 counsel for the applicant has submitted that co-accused Urmila, has already been granted bail by means of an order dated 11.09.2023 passed by this Court in Criminal Misc. Bail Application No.11021of 2023.
6. The learned A.G.A. has produced a copy of the the relevant extract of case

diary which contents the statement of the victim recorded under Section 161 Cr.P.C., wherein he stated that he had gone away on his own to the house of father of his daughter-in-law. He did not level any allegation against any of the accused person in his statement.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the alleged victim returned on his own and he did not level any allegation against the applicant in his statement recorded under Section 161 Cr.P.C. and that a co-accused has already been granted bail, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 29.06.2023 and without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail

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

9. Let the applicant- **Suraj** 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.

(Subhash Vidyarthi,J.)

Order Date :- 6.11.2023

Preeti.