

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13311
of 2023

Applicant :- Matadeen @ Mata Prasad

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

Counsel for Applicant :- Ram Asarey Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ram Asarey Verma, learned counsel for the applicant, Sri Anurag Verma, learned A.G.A.-I 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. 273 of 2023, under Sections 363, 366 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station- Ishanagar, District- Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.07.2023 against the three persons, including the applicant, stating that co-accused Vijendra had enticed away the informant's daughter aged about 15 years and the applicant and another co-accused had helped him.
4. In the statement of the victim recorded under Section 161 Cr.P.C., she stated that she had gone to home of co-accused Vijendra alone; she married him in a temple and thereafter went with him to Uttrakhand. Before the doctor, the victim gave the same statement. In both the aforesaid statements, the victim did not utter a single word about the applicant.
5. In the statement of the victim recorded under Section 164 Cr.P.C., she stated that all the accused persons have forcibly taken her.
6. In the affidavit filed in support of bail application it has been stated that the applicant is a 24 years old innocent person having no criminal history, he has been falsely implicated in the present case.
7. Co-accused Pradeep has already been granted bail by means of an order dated 01.11.2023 passed by this Court in Criminal

Misc. Bail Application No. 12832 of 2023.

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 the victim has not stated anything against the applicant in her statements recorded by the Investigating Officer as also by the doctor, who had conducted her medico legal examination and the applicant is a young man of 24 years having no previous criminal history and he is languishing in jail since 23.08.2023 whereas co-accused Pradeep has already been granted bail 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-***Matadeen @ Mata Prasad*** 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 :- 8.11.2023

Pradeep/-