

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13358 of 2023

Applicant :- Pinku @ Rinku

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

Counsel for Applicant :- Narendra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Narendra Gupta, learned counsel for the applicant, Sri J.S. Tomar, 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. 619 of 2022, under Sections 344, 366 I.P.C., registered at Police Station Laharpur, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.09.2023 against the applicant, Sunit Kumar and Amit Kumar, stating that the co-accused Sunit Kumar had enticed away the informant's daughter aged about 20 years and other two co-accused persons had assisted him.

4. In the statement of the victim recorded under Section 161 Cr.P.C. she stated that the co-accused Sunit Kumar had forcibly taken her away to his home and she escaped from there. She categorically stated that no other person was guilty in the incident. In the statement of the victim recorded under Section 164 Cr.P.C. she alleged that she had gone out of her home. The applicant had caught hold of her hand and pressed her mouth and thereafter she fell unconscious. Upon regaining her consciousness she found herself in the house of co-accused Sumit Kumar, where she stayed for about a month. She stated

that Sumit works with the applicant.

5. 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.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. has been lodged on 29.09.2023 and it is alleged that the incident occurred about 15 days ago, whereas in the statement of the victim recorded under Section 164 Cr.P.C. she stated that the incident occurred in the month of Chaitra, which roughly falls around the month of March; that the applicant has no previous criminal history and he is languishing in jail since 08.10.2023 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.

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

9. Let the **applicant-Pinku @ Rinku** 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
Ram.