

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13385 of 2023

Applicant :- Nanhke @ Mahesh

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

Counsel for Applicant :- Surya Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Surya Prakash, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned A.G.A. 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. 39 of 2023, under Section 363, 366 I.P.C., registered at Police Station Majhgai, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 29.08.2023 alleging that the applicant had enticed away the informant's younger daughter, who is minor.
4. In the statement of the victim recorded under Section 161 and 164 Cr.P.C, she stated that the applicant is her elder sister's husband; her parents used to beat her and therefore she had gone with the applicant out of her own free will and the applicant has not committed any misdeed against her.
5. In the affidavit filed in support of the 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 of the bail, but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and without making any observations 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.

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

9. Let the **applicant- Nanhke @ Mahesh** 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 :- 9.11.2023

Preeti.