

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13440 of 2023

Applicant :- Sakib Khan

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

Counsel for Applicant :- Narendra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dharmendra Kumar Gupta holding brief of Sri Narendra Gupta, learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. 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.249 of 2022, under Sections 363 and 366 I.P.C., registered at Police Station Talagaon, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.08.2023 alleging that the applicant had enticed away 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 is 19 years of age. Her family members used to scold and beat her, therefore, she had gone away from her home.
5. The victim declined to undergo medico legal examination.
6. In her statement recorded under Section 164 Cr.P.C. she stated that she loved the applicant and she had gone with him but they have not made any physical relations.
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 the applicant's age is said to be 20 years even as per the FIR; that the applicant has no criminal history and the victim is also major and she has consistently stated that she went with the applicant out of her own free will; that the applicant is languishing in jail since 12.10.2023 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.

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

11. Let the **applicant-Narendra Gupta** 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 :- 9.11.2023
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