

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13925 of 2023

Applicant :- Ram Sevak

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

Counsel for Applicant :- Umesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard learned counsel for applicant and learned A.G.A. for the State.
2. The present bail application has been filed by the applicant seeking bail in case crime no. 510 of 2023, under sections 364, 120B I.P.C. registered at Police Station-Kotwali Bikapur, District-Ayodhya/Faizabad.
3. As per the version in the FIR, Parashuram (father in-law of the first informant) was residing with him for the last six months. Certain unknown persons came on a pulsar motorcycle, hiding their faces with a 'gamcha' and forcibly abducted his father in-law at about 11 in the morning of 22.09.2023. The first informant tried to search for them but couldn't find his whereabouts. The abducted person was recovered by the police from the custody of the co-accused-Ram Sajiwan and Jagdamba. During the investigation, it was found that the instant applicant was involved in the conspiracy to abduct father in-law of the first informant to pressurize him to execute a sale deed of his property in favour of some persons of his choice.
4. It is contended on behalf of the applicant that in this case no particular role has been assigned to the instant applicant. The prosecution itself is ignorant of the role played by him. His name came up during the investigation on the basis of confessional statement given by the co-accused persons particularly, Vishal Verma. Even the co-accused could not pinpoint the role played by him instead general allegation of hatching a plan to abduct the victim has been imputed. In the statement of co-accused, the role of abduction has been attributed to Dharmendra Pandey and Hari Prakash Pandey. The role of keeping him in illegal confinement has been imputed to Jagdamba Nishad and Ram Sajiwan. It is further contended that no sale deed was ever executed and that the applicant has been falsely implicated. The FIR has been lodged after a delay of about ten days. All the circumstances show the improbabilities and the infirmities in the prosecution story. The applicant is in custody since 02.10.2023 and he has no criminal history.
5. The application for bail is opposed by learned A.G.A., however it is conceded that the applicant has no criminal history prior to this case and the applicant is in custody since last more than 1½ months now.
6. I considered the nature of allegation, role ascribed to the applicant, evidence proposed to be produced, period of detention, absence of previous criminal history and all other facts and circumstances of the case. In my view, a case for bail is made out.

7. Let applicant - **Ram Sevak** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 24.11.2023

Vikram