

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13987 of 2023

Applicant :- Dharmendra Pandey

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

Counsel for Applicant :- Rehan Ahmad Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rehan Ahmad Siddiqui, learned counsel for the applicant, Sri Jayant SinghTomar, 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.510 of 2023, under Sections 364 and 120B I.P.C., registered at Police Station Kotwali Bikapur, District Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.10.2023 at 21:15 Hours stating that two motorcycle borne miscreants, who had masked their faces, had abducted informant's father-in-law at 11:00 PM on 22.09.2023. The FIR states that the informant was unwell and for this reason he had approached the police for lodging the FIR with a delay.

4. 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.

5. Police claimed to have arrested one Vishal Verma and in his custodial statement, he stated that seven other persons, including the applicant were also involved with him in commission of the offence.

6. Co-accused Rajendra Prasad has already been granted bail in the present case by means of an order dated 07.11.2023, passed by this Court in Criminal Misc. Bail Application No.13247 of 2023

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 victim was

allegedly abducted on 22.09.2023 whereas the FIR has been lodged on 01.10.2023; that the victim was recovered on 02.10.2023 from unlawful detention of Ram Sajivan and Jagdamba Prasad and the applicant has been implicated on the basis of custodial statements of aforesaid persons; that the applicant has no previous criminal history and he is languishing in jail since 02.10.2023 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-**Dharmendra Pandey** 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.

Order Date :- 28.11.2023

Renu/-