

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14017 of 2023

Applicant :- Abhishek Kumar Vishwakarma @ Bauwa

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

Counsel for Applicant :- Ajai Kumar, Vivek Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vivek Kumar Rai, the learned counsel for the applicant as well as Sri Gayanendra Singh, 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. 281 of 2023, under Section 364, 120-B I.P.C., registered at Police Station Kunda, District Pratapgarh.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 16.08.2023 alleging that 4-5 unknown persons riding a car had kidnapped the informant's son on 13.08.2023. The informant had given information of this incident to the police by dialing 112, the police started blockading of the areas whereupon the accused persons dropped the informant's son on the way and went away.
4. 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.
5. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident took place on 13.8.2023 and as per the F.I.R allegations, the informant's son had been set free on the same day and he had returned on his own and but the F.I.R has been lodged on 16.08.2023 and there is no explanation of the delay in lodging of the F.I.R; that besides the complainants version, there is no material to connect the applicant for

commission of the offence, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 17.08.2023 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.

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

8. Let the **applicant- Abhishek Kumar Vishwakarma @ Bauwa** 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 :- 29.11.2023

Preeti.