

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14179 of 2023

Applicant :- Abdul Salam

Opposite Party :- State Of U.P. Trhu. Prin. Secy. Home Civil Sectt. Lko.

Counsel for Applicant :- Sant Bux Singh, Rahul Agnihotri

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sant Bux Singh, the learned counsel for the applicant as well as Sri Vinay Kumar Shahi, the learned A.G.A.-I 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. 365 of 2023, under Section 366, 342 I.P.C., registered at Police Station Panchperdewa, District Balrampur.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 15.10.2023 at about 14:20 hours alleging that the applicant had forcibly taken away the informant's daughter aged about 19 years at 01:30 in the night of 11.10.2023, for getting her married to his son. While searching his daughter, the informant met her with the applicant on 15.10.2023 whereupon her daughter told him about the incident and he had come to lodge the F.I.R.

4. In the statement of the victim recorded under Section 161 Cr.P.C, she supported the F.I.R allegations. However, the informant had stated that he had met his daughter while searching for her whereas the victim stated that some other person had seen her with the applicant and they had stopped

them and had called her father by making a phone call and the applicant had escaped from there.

5. The victim declined to undergo medico legal examination stating that no misdeed had been committed against her. As per her medico legal examination report, her age has been opined to be 19 years.

6. In the statement of the victim recorded under Section 164 Cr.P.C, she stated that she had got married to another persons on 22.02.2023 but she did not like this marriage. The applicant had taken her to his home for getting her married to his son.

7. In the affidavit filed in support of the bail application, it has been stated that the applicant is a 28 years old persons having no criminal history and he has been falsely implicated in the present case.

8. It has further been stated that on an earlier occasion also, the informant's daughter had come to the applicant's house and the dispute between the parties had been settled amicably, regarding which an agreement was drawn on 17.06.2023.

9. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that earlier also the victim had gone to the applicant's house, apparently on her own, which dispute had been settled amicably; the victim categorically sated that no misdeed had been committed against her, coupled with the fact that the applicant is a 28 years old persons having no criminal history and he is languishing in jail since 16.10.2023 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.

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

12. Let the **applicant- Abdul Salam** 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 :- 2.12.2023
Preeti.