

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14641 of 2023

Applicant :- Vipin Kumar

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

Counsel for Applicant :- Deepak Kumar,Sagun Chandra Rastogi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Deepak Kumar, learned counsel for the applicant, Sri Gyanendra 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. 259 of 2023, under Sections 363 and 366 I.P.C., registered at Police Station Motiganj, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.08.2023 alleging that the informant's daughter aged about 12 years had gone missing on 09.08.2023.

4. In the affidavit filed in support of bail application it has been stated that the applicant is a 20 years old innocent person, he has been falsely implicated in the present case and he has no criminal history.

5. In the statement of the victim recorded under Section 161 Cr.P.C. she has stated that she is aged about 15 years, she had gone away from her home alone and after reaching Agra she had called the applicant by making a phone call and thereafter she married the applicant on the same day in a temple. On 11.08.2023 her father, maternal uncle and two brothers reached Agra and they brought her back with them. She categorically stated that the applicant did not commit any misdeed with her.

In her statement recorded under Section 164 Cr.P.C. the victim has reiterated her earlier version. In the medico legal examination report of the victim no sign of use of force or injury have been reported.

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 has not levelled any allegation of commission of any misdeed by the applicant; that the applicant is a 20 years old person having no previous criminal history and he is languishing in jail since 12.08.2023 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**-Vipin Kumar 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 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 :- 13.12.2023
Ram.