

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2862 of 2023

Applicant :- Vansh Gupta @ Piyush Gupta

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

Counsel for Applicant :- Riyaz Ahmad,Hemant Kumar Pandey,Osama Syed

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Riyaz Ahmad, the learned counsel for the applicant as well as Sri Akhilesh Vyas, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.99 of 2023, under Sections 363 and 366 I.P.C., registered at Police Station Naka Hindola, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.07.2023 alleging that the informant's daughter aged about 17 years had gone missing from his home since 13.07.2023 and that he believed that she had been enticed away by the applicant.
4. The victim was recovered from a temple in Charbagh on 09.10.2023 and in her statement recorded under Section 161 CrPC, as also in her statement recorded under Section 164 CrPC, she stated that she was not at talking terms with her parents and she was suffering from anxiety, for which reason she had gone away from her home on 31.07.2023 to Mehndipur Bala Ji and thereafter, she kept roaming in temples of Mathura and Vrindavan etc. and thereafter, she came back. She categorically stated that no misdeed had been committed against her.
5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is 19 years old innocent person and he has falsely been implicated in the present case.
6. The supplementary affidavit has been filed by the applicant disclosing his involvement in another case bearing Case Crime No.192 of 2023, under Sections 363, 366 and 506 IPC, P.S. Chowk, District-Lucknow.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the aforesaid statements of the victim, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Vansh Gupta @ Piyush Gupta** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 13.12.2023/Raj