

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14675 of 2023

Applicant :- Mukesh @ Bangam

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Deptt. Govt. Lko. And 3 Others

Counsel for Applicant :- Ajey Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajey Singh, the learned counsel for the applicant, Sri Abhishek Kumar Singh, learned State Law Officer appearing for the State as well as Shri Alok Kumar, the learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 210 of 2023, under Sections 363,366,354-A I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 3.8.2023 alleging that the applicant had enticed away the informant's minor daughter. In the statement of the victim recorded under Section 161 CrPC, she stated that she used to talk to the applicant. She herself called him by making a phone call and had gone with him. Before the Doctor who had conducted the medico legal examination of the victim, she stated that the applicant did not make any physical relations with her.

4. In the statement of the victim recorded under Section 164 CrPC, she stated that she knows the applicant since childhood and she is in love with him for the past two years. About 10-15 days ago, the victim's brother caught hold of the applicant and had confined him to a room of her house and he was set free after he had agreed to marry her. She categorically stated that no misdeed was committed against her.

5. 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.

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 as per categorical statement of the victim, there is no misdeed committed against her; that the applicant is a young man and he has no previous criminal history and he is languishing in jail since 7.8.2023 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- **Mukesh @ Bangam** 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.

Order Date :- 13.12.2023

Shravan