

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14758 of 2023

Applicant :- Govind Sonkar @ Arjun

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

Counsel for Applicant :- Dinesh Kr. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dinesh Kr. Chaudhary, the learned counsel for the applicant as well as Sri Arpit Kumar, 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. 306 of 2023, under Section 363, 366, 368, 120-B I.P.C., registered at Police Station Kotwali Dehat, District Balrampur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 27.05.2023 alleging that the named accused Babloo @ Osama had enticed away the informant's daughter aged about 15 years on 20.05.2023.
4. The victim could not be recovered and the police has arrested the named accused Chhottan Sai @ Yusuf and recorded his statement in which he implicated the applicant also. Earlier also, two F.I.Rs i.e F.I.R No. 287/2022 and 137/2023 were lodged in Police Station Kotwali Dehat, District Balrampur, on same set of allegations and after investigation, the investigating officer submitted the final reports in both the cases.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case and he has no criminal history.
6. Co-accused Chhottan Sai @ Yusuf has already been granted bail by means of an order dated 15.12.2023 passed by this Court in Criminal Misc. Bail Application No. 14768 of 2023.
7. The learned A.G.A. has opposed the prayer of the 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 fact that the applicant is not named in the F.I.R.; that on two previous occasions, the victim had gone away with the co-accused's son and after investigation, the police had submitted final reports on both the occasions and that the applicant has been implicated solely on the basis of custodial statement of co-accused persons, who has already been granted bail 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.

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

10. Let the applicant-***Govind Sonkar @ Arjun*** 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.

Order Date :- 16.12.2023

Pradeep/-