

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14957 of 2023

Applicant :- Rakesh

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

Counsel for Applicant :- Deo Raj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Deo Raj Singh, learned counsel for the applicant, Sri Sanjay Maurya, learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 927 of 2022, under Sections 363, 366 & 368 IPC, Police Station Nighasan, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.12.2022 alleging that a sole named accused Jaswant had enticed away the informant's daughter aged about 17 years.
4. In the statement of the victim recorded under Section 161 Cr.P.C., she stated that she knows the named accused for the past three years, he had taken her to her sister's home, where she stayed for two days.
5. The victim was taken for medico legal examination and before the doctor also, she levelled allegations against the name accused person only.
6. In the statement of the victim recorded under Section 164 Cr.P.C., she did not level any allegation against the applicant.
7. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has been implicated in the present case merely because he is the brother-in-law of the named accused Jaswant and he has no criminal history.
8. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the allegations have been levelled by the victim against the sole named accused person and the applicant has been implicated merely because he is brother-in-law of the named accused, regarding whom the victim stated in her statement recorded under Section 161 Cr.P.C. that he had accompanied the named accused who dropped her at the bus station and that the victim has not levelled absolutely any allegation against the applicant in her statement recorded before the Magistrate 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 case.

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

11. Let the applicant-***Rakesh*** 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 :- 18.12.2023

Pradeep/-