

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14822 of 2023

Applicant :- Harsh Vishwakarma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lucknow

Counsel for Applicant :- Girish Kumar Pande, Brijendra Singh, Prashant Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Prashant Pandey, learned counsel for the applicant, Sri Sanjay Maurya, the 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. 239 of 2023, under Sections 363, 366 IPC, Police Station Banthra, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.07.2023 stating that the applicant had enticed away the informant's daughter aged about 16 years.
4. In the statement of the victim recorded under Sections 161 & 164 Cr.P.C., she stated that she is aged 19 years, she had gone with the applicant out of her own free will and she has married the applicant. She categorically stated that no misdeed has been 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 the applicant is a young man having no criminal history and he is languishing in jail since 04.08.2023 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 case.

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

9. Let the applicant-***Harsh Vishwakarma*** 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 :- 16.12.2023

Pradeep/-