

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14935 of 2023

Applicant :- Mangali

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

Counsel for Applicant :- Janendra Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Janendra Kumar Verma, the learned counsel for the applicant, Sri Rakesh Kumar Singh, the learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.132 of 2023, under Sections 363, 366 I.P.C., registered at Police Station Neemgaon, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.05.2023 alleging that the named accused Nitesh Kumar had enticed away the informant's minor daughter on 12.05.2023 and that his daughter had taken away some jewelry and cash with her.

4. In the statement of the victim recorded under Section 161 Cr.P.C. she stated that she is aged about 19 years, she had gone away from her own because she was angry from her parents and she came back upon coming to know about the F.I.R. The medico legal examination report of the victim mentions no injury or sign of use of force on any part of her body, however, the victim stated before the doctor that the named accused Nitesh Kumar had enticed her away. In her statement recorded under Section 164 Cr.P.C. she stated that the applicant was also involved with the named accused Nitesh Kumar in taking her away forcibly. However, the other allegations were levelled by her against Nitesh Kumar only.

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 not named either in the F.I.R. or in the statement of the victim recorded under Section 161 Cr.P.C. or in her statement recorded by the doctor and he has been implicated subsequently and that the applicant has no previous criminal history and he is languishing in jail since 13.08.2023 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 crime.

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

9. Let the **applicant-Mangali** 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.

(Subhash Vidyarthi, J.)

Order Date :- 18.12.2023
Ram.