

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15072 of 2023

Applicant :- Sahbaj Khan

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

Counsel for Applicant :- Neelu Singh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Smt. Neelu Singh Chauhan, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, 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. 271 of 2023, under Section 363, 366 I.P.C., registered at Police Station Mahanagar, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 19.11.2023 alleging that the informant's daughter aged about 16/17 years had gone missing.
4. In the statement of the victim recorded under Section 161 Cr.P.C, she stated that she had gone with the applicant out of her own free will.
5. In the statement of the victim recorded under Section 164 Cr.P.C, she stated that she is aged 17 years, she used to talk to the applicant on phone and upon coming to know this fact, her mother had abused and beaten her and, therefore, she had gone away with her home him and before she could meet the applicant, she was caught by the police. She categorically stated that no misdeed was committed against her and the applicant is not at fault.

6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case 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.

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

9. Let the **applicant- Sahbaj Khan** 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.

(Subhash Vidyarthi,J.)

Order Date :- 20.12.2023

Preeti.