



2025:004-1 K03:29:504

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 12697 of 2025

Rajan Tiwari @ Munna

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shailesh Sachan, Gaurav Singh, Sachin Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

The accused-applicant seeks bail in Case Crime No.318 of 2025 under Section 137(2), 87 BNS, Police Station Maigaljanj, District Lakhimpur Kheri.

In the prosecution case, it is alleged that on the night of 01.09.2025, the minor daughter of the informant, aged about 13 years, was enticed away by the applicant.

Learned counsel for the applicant submits that, from a perusal of the statement of the victim recorded under Section 180 of the BNSS, her age is disclosed to be 17 years and she is a student of Class X. It is further submitted that she, of her own free will and accord, went away with the applicant from Lucknow and that no wrongful act has been committed against her.

It is also submitted that in her statement recorded under Section 183 of the BNSS, the victim has not supported the prosecution case and has categorically stated that she accompanied the applicant voluntarily. No corroborative evidence has been found in the medico-legal examination report of the victim.

It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. has opposed the bail prayer of the applicant.

I have considered the arguments advanced by learned counsel for the parties as well as perused the record.

On due consideration of the statements of the victim recorded under Sections 180 and 183 of the BNSS, it prima facie shows that she, of her own free will and accord, went away with the applicant and, therefore, the essential element of enticement appears to be absent; the applicant has no criminal history; he is in judicial custody since 05.09.2025; the charge-sheet has already been filed; the victim, as per her statement under Section 180 of the BNSS, is 17 years of age and a student of Class X and without expressing any opinion on the merits of the case, this Court finds it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is **allowed**.

Let the applicant **Rajan Tiwari @ Munna**, involved in the aforesaid FIR/Case crime number, be released on bail in the aforementioned 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.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Karunesh Singh Pawar,J.)

December 16, 2025

Madhu D.R/P.S