

Smt Seema Jatav @ Banti Kumar vs State Of U.P. on 1 April, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:54976

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 55773 of 2023

Applicant :- Smt Seema Jatav @ Banti Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ankit Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in S.S.T. No. 48 of 2013, State Vs. Radhey Shyam and others arising out of Case Crime No. 832 of 2012, under Sections 364A, 368 I.P.C., Police Station Etmaddaula, District- Agra.

This is the second bail application of the applicant. The first bail application of the applicant was rejected by the coordinate bench of this court vide order dated 16.9.2013.

It is argued by the learned counsel for the applicant that the applicant is languishing in jail since 24.12.2012. The statement of P.W.-4 is continuing in the trial court, so there is no chance of tampering the witnesses. Co-accused Sonu @ Soni Jatav has been granted bail by the coordinate bench of this court, hence, the prayer is made accordingly.

Learned A.G.A. however opposed the prayer and submitted that the applicant is the main accused. The applicant is said to have kidnapped the five year old son of the first informant the kidnapped child has been recovered from the possession of the applicant.

From the perusal of the record, it is found that the FIR has been lodged against unknown persons. The name of the present applicant came into light during investigation. However, the child is said to have been recovered from the possession of the present applicant along with co-accused Reena. Co-accused Sonu @ Soni Jatav with whom the child is said to have confined has been granted bail by the coordinate bench of this court. The incident is dated 27.10.2012 and the applicant is languishing in jail since last more than 11 years. The case before the trial court is pending at the stage of evidence.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant Smt Seema Jatav @ Banti Kumar who is involved in aforesaid crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. She will not tamper with the witnesses.
3. She will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 1.4.2024 Gss