

# Lovely vs State Of U.P. on 10 August, 2022

**Author: Ajit Singh**

**Bench: Ajit Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34679 of 2022

Applicant :- Lovely

Opposite Party :- State of U.P.

Counsel for Applicant :- Varun Kumar Chaubey

Counsel for Opposite Party :- G.A.

Hon'ble Ajit Singh,J.

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

This is a bail application on behalf of the applicant in connection with Case Crime No. 54 of 2022, under Sections 363, 311, 368, 120-B, 109 I.P.C., Police Station Savrahi, District Kushinagar.

It is contended by learned counsel for the applicant that the applicant is not named in the F.I.R. and has been falsely implicated in the present case due to ulterior motive. It is further submitted that there is allegation of kidnapping of minor child against the applicant but the recovery of minor child was made from the possession of co-accused Rajan Tiwari who has already been enlarged on bail. He has further submitted that the co-accused persons namely, Rajan Tiwari, Seema Devi and Munni Khatun have been granted bail by the Coordinate Bench of this Court vide orders dated 7.7.2022, 11.7.2022 and 5.7.2022 passed in Criminal Misc. Bail Application Nos. 24724 of 2022, 18459 of 2022 and 26005 of 2022, respectively, therefore, applicant is also entitled to be released on bail on

the ground of parity. The applicant is in jail since 14.03.2022. It has been assured on behalf of the applicant that she is ready to cooperate with the process of law and shall faithfully make herself available before the court whenever required. He has further submitted that in case applicant is released on bail, she will not misuse the liberty of bail.

Learned A.G.A. has vehemently opposed the prayer for bail but he could not dispute the parity of the present applicant with the co-accused, namely, Rajan Tiwari, Seema Devi and Munni Khatun as submitted by the learned counsel for the applicant.

Considering the submissions made by learned counsel for the applicant as well as learned A.G.A., this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity.

In view of the above, let the applicant, Lovely be released on bail in the aforesaid case on his executing personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned in the aforesaid case with the following conditions :-

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses;
- iii) The applicant shall appear on the date fixed by the trial court;
- iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission;
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 10.8.2022 SY