

## Shivam Sharma vs State Of U.P. on 24 April, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:72023

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15898 of 2024

Applicant :- Shivam Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Dileep Singh Yadav

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 Case Crime No. 06 of 2022, S.T.No. 693 of 2023, under Sections 364A, 506 I.P.C., Police Station Fafond, District- Auraiya.

It is argued by the learned counsel for the applicant that the alleged kidnapped child is said to have been recovered from the possession of Baby Devi who has been granted bail by the coordinate bench of this court. Co-accused Abhishek having identical role has also been granted bail by the coordinate bench of this court. Both bail orders are appended with the paper book. There is no criminal history to the credit of the applicant. The first informant has also not supported the prosecution version in the trial court and has been declared hostile. In the cross examination of the first informant, nothing incriminatory has come against the applicant. The applicant is languishing in jail since 29.3.2023, hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer.

From the perusal of the record, it is found that 14 months old male child of the first informant was allegedly kidnapped by all the named three accused persons. The police has recovered this child from the possession of co-accused Baby Devi who has been granted bail by the coordinate bench of this court. Co-accused Abhishek having identical role has also been granted bail by the coordinate bench of this court. The first informant has also not supported the prosecution version in the court as P.W.-1. The applicant is languishing in jail since 29.3.2023.

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 fit case of bail.

The bail application is allowed.

Let the applicant Shivam Sharma who is involved in aforesaid crime be released on bail on his 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. He will not tamper with the witnesses.
3. He 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 :- 24.4.2024 Gss