

## Saroj vs State Of U.P. on 3 October, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:161563

Court No. - 71

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36551 of 2024

Applicant :- Saroj

Opposite Party :- State of U.P.

Counsel for Applicant :- Janardan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the material available on record.
2. Present bail application has been filed on behalf of the applicant, with a prayer to release the applicant on bail in Case Crime No.189 of 2024, under Sections 363, 368, 311, 120-B of IPC, Police Station Bilariyaganj, District Azamgarh, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant is not named in the FIR. Her name surfaced in the confessional statement of co-accused Pappu. Co-accused Pappu in his confessional statement himself stated that the alleged kidnapping of child has been made by him and on the same day, he himself returned the child to his guardian. No role is assigned to the applicant, except conspiracy. There is criminal history of one case to the credit of the applicant, which has been duly explained in the affidavit filed in support of the bail application. The applicant is a lady. It is also submitted that similarly placed co-accused, namely, Sangeeta has already been

granted bail by this Court, vide order dated 23.8.2024 passed in Criminal Misc. Bail Application No.29970 of 2024. The applicant is languishing in jail since 5.6.2024. In case, the applicant is released on bail, she will not misuse the liberty of bail and shall cooperate in the trial.

4. Per contra, learned AGA vehemently opposed the prayer for bail.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence available on record, all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a case for bail. The bail application is, accordingly, allowed.

6. Let applicant, Saroj, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the following conditions:

(1). The applicant will not tamper with the prosecution evidence during the trial.

(2). The applicant will not influence any witness.

(3). The applicant will appear before the trial Court on the date fixed, unless personal presence is exempted.

(4). 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 him from disclosing such facts to the Court to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application before this Court seeking cancellation of the bail.

Order Date :- 3.10.2024 RKK/-