

Court No. - 12

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6921 of 2024

Applicant :- Mukesh Patel

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko And 3 Others

Counsel for Applicant :- Ashwini Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record. None has appeared for respondent no.2 despite notice.
2. The applicant seeks enlargement on bail in FIR No.69 of 2024, under Section 363, 366, 323, 504, 506, 376(2)N of IPC & Section 5L/6 of POCSO Act, P.S. Lalganj, District Pratapgarh.
3. In terms of the FIR it was alleged that daughter of the informant was enticed away by the applicant and thereafter the marriage was done through a notary affidavit and thereafter, the applicant physically exploited her for six months.
4. Learned counsel for the applicant draws my attention to the photographs as well as to the affidavit of marriage entered into in between the parties. In the statement under Section 164 Cr.P.C., the victim stated that the marriage was not solemnized and only *Sindoor* was applied. He further states that the applicant has married the victim and is ready and willing to get the marriage registered after being enlarged on bail.
5. Learned AGA has opposed the bail application.
6. Considering the statement under Section 164 Cr.P.C. and the FIR allegation that the victim stayed with the applicant for a term of five months after solemnizing marriage and the applicant is ready and willing to get the marriage registered, the applicant, who is in custody since 19.03.2024 and has no criminal history, is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.
7. Let the applicant ***Mukesh Patel*** be released on bail in aforesaid FIR number on his furnishing a personal bond with two sureties of Rs.20,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) 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 or to any police officer or tamper with the evidence.

8. The applicant shall also file an affidavit before the trial Court undertaking to get the marriage registered within a period of two months from being enlarged on bail subject to the victim agreeing to get the marriage registered.

Order Date :- 31.7.2024

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