

**Court No. - 7**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 28657 of 2022

**Applicant :-** Faisal

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Mohammad Zakir

**Counsel for Opposite Party :-** G.A.

**Hon'ble Ajay Bhanot,J.**

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 1452 of 2016 at Police Station Kotwali Nagar, District Bulandshahar under Sections 323, 328, 376, 504, 506 IPC. The applicant is in jail since 04.06.2022.

The bail application of the applicant was rejected by learned Sessions Judge, Bulandshahar, on 21.06.2022.

Sri Mohammad Zakir, learned counsel for the applicant contend that the applicant has been falsely implicated in the instant case. The FIR is a result of a relationship gone awry due to money disputes. The applicant and the victim were intimate and had a consensual relationship. The criminal proceedings were taken out after their relationship was exposed and the applicant was implicated only to deflect attention from the conduct of the victim. The criminal proceedings are being leveraged in the financial dispute between the parties. The applicant did not take out any indecent pictures of the victim nor did he propagate the same on social media. No evidence of indecent photograph was recovered during the course of investigation and no chargesheet was filed under the

Information Technology Act. Learned counsel for the applicant contends that the applicant does not have any criminal history apart from the instant case. The applicant is not a flight risk and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

Shri Paritosh Kumar Malviya, learned AGA for the State could not satisfactorily dispute the aforesaid submissions from the record. Learned AGA does not contest the criminal history of the applicant as disclosed in the bail application.

I see merit in the submissions of learned counsel for the applicant and accordingly hold that the applicant is entitled to be enlarged on bail.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Faisal be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not influence any witness.

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

(iv) The applicant shall not directly or indirectly make 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.

In case any averment made in the bail application or the submissions during the course of argument are found to be false or in case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

**Order Date :- 29.8.2022**

Pravin