

**Court No. - 76**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 31435 of 2022

**Applicant :-** Anas

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

**Counsel for Applicant :-** M J Akhtar, Sr. Advocate

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

**Hon'ble Subhash Chandra Sharma, J.**

Heard Sri V.M. Zaidi, learned Senior Advocate, assisted by Sri M.J. Akhtar, learned counsel for the applicant, learned A.G.A for the State and perused the record.

Learned counsel for the applicant submitted that he is innocent and has falsely been implicated in the present case for committing rape with the victim, preparing obscene video and making it viral but no any such video is on record to show that this applicant committed rape with the victim. Further submitted that the F.I.R was lodged after delay of six days without any explanation. During investigation, a video which was sent by some one on the mobile whatsapp of one Samun Ahmad was taken into possession by the police but it was not disclosed as to who made that video viral and whether this applicant was establishing physical relation with the victim or not. In this way on the basis of that video, it can not be said that it was sent by this applicant and prepared while establishing physical relation with the victim by using force with other co-accused persons. There is no any other evidence on record to show that this applicant committed rape with the victim except her allegation. Even during medical examination, no any injury was found on her private part or on the other part of the body and no any sperm was found in the pathological report to show that rape was committed with the victim. In this way on account of rivalry with the village *Pradhan*, this applicant has been implicated falsely. Co-accused Smt. Sabnam wife of this applicant was also roped in this case who has already been granted bail after considering the evidence on record in Crl. Misc.Bail application No.1695 of 2022 dated 16.5.2022. He is languishing in jail since 31.7.2020 as having no any criminal antecedent and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

On the other hand, learned AGA opposed the prayer for bail.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant-**Anas**, involved in Case Crime No.199 of 2020, under Sections 376-D, 120-B, 506 I.P.C and section 67 of The Information Technology Act, 2000, P.S. Shahpur, District Muzaffar Nagar be released on bail on 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 not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected.
5. 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.

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

**Order Date :- 6.9.2022**  
G.S