

Tafseel Ahmad Alias Sameer vs State Of Uttarakhand And Another on 4 August, 2022

Author: Ravindra Maithani

Bench: Ravindra Maithani

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 152 of 2022

Tafseel Ahmad alias SameerApplicant

Versus

State of Uttarakhand and anotherRespondents

Present:-

Mr. Mohd. Umar, Advocate for the applicant.

Mr. Lalit Miglani, A.G.A. with Ms. Sonika Khulbe, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Tafseel Ahmad alias Sameer has sought anticipatory bail in FIR No.270 of 2022, under Sections 323, 376, 504 IPC, Police Station Kashipur, District Udham Singh Nagar.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant befriended the victim four years prior to lodging of the FIR. The FIR was lodged on 16.05.2022. The applicant introduced himself as Sameer, as a Hindu. The applicant under the pretext of marriage established physical relations with the victim but, did not solemnize the marriage. Subsequently, when the informant insisted for marriage, the applicant revealed that he is a Muslim. On 14.05.2022, the applicant also visited the house of the informant.

4. Learned counsel for the applicant would argue that the applicant did not cheat the informant; they were in relationship; the FIR is much delayed.

5. Learned State counsel would submit that the applicant is an absconder warrants and non bailable warrants and proclamation under Section 82 of the Code of Criminal Procedure, 1973 (for short, "the Code") had already been issued against him.

6. Learned counsel for the applicant would argue that, in fact, for quashing of the FIR, the applicant approached this Court in Criminal Misc. Application No.983 of 2022, which was disposed of with the observation that the applicant may move anticipatory bail.

7. There is specific allegations against the applicant. He befriended the informant, introducing himself as Sameer. In her statement, recorded during investigation the informant has stated that once two months prior to lodging of the FIR, when she visited the house of the applicant, she learnt that the applicant is a Muslim and his name is Tafseel Ahmad and thereafter, the applicant threatened the informant. The applicant could not file any document to show that, in fact, the identity of the applicant was known to the informant. There is no document to show that the applicant did not conceal anything. Some records of payments have been filed.

8. The Court wanted to know, as to why the applicant made payment to the informant? There is no reply to it also.

9. Having considered, this Court is of the view that there is no good ground which may entitle the applicant to be enlarged on anticipatory bail. Accordingly, the anticipatory bail application deserves to be rejected.

10. The anticipatory bail application is rejected.

(Ravindra Maithani, J.) 04.08.2022 Sanjay