

Neutral Citation No. - 2023:AHC:215780

Reserved on 31.10.2023

Delivered on 07.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41590 of 2023

Applicant :- Mubarak Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Kumar Gupta, Vipin Kumar Singh

Counsel for Opposite Party :- G.A., Raj Kamal Tripathi

Hon'ble Siddharth, J.

Heard Sri Shiv Kumar Gupta, learned counsel for the applicant; Sri Raj Kamal Tripathi, learned counsel for the informant and learned A.G.A for the State.

The instant bail application has been filed on behalf of the applicant, Mubarak Khan, with a prayer to release him on bail in Case Crime No.0145 of 2023, under Section 354, 506, 376, 120B, 342, 420, 504, 323 I.P.C, Police Station Kotwali Katra, District Mirzapur.

There is allegation in the first information report that the sister of the applicant was friend of the victim for last one year. She called the victim to her house where the applicant outraged her modesty and took her objectionable photographs. Thereafter he threatened her of making her photographs viral and also threatened her that she should do whatever he says otherwise he throw acid on her and also get her kidnapped.

Thereafter victim informed her brothers who forbade the applicant to keep distance from the victim. Learned counsel for the applicant submits that it is a case of false implication of the applicant by the victim. Applicant has criminal history of two cases of about similar nature given in the bail rejection order. However, in the bail application a third case under

Gangsters Act has also been disclosed by the applicant. Learned counsel for the applicant submits that applicant is in jail since 08.07.2023 and the allegation of commission of offence of rape was not made initially in the first information report but has been made subsequently by the victim.

Learned counsel for the informant has vehemently opposed the bail application and has submitted that the applicant is habitual of committing such offences against innocent girls and he has criminal history of two cases also regarding such cases which proves that he is habitual offender of such type offences. He has submitted that applicant befriended innocent girls through his sister and thereafter committed such offences.

This Court after hearing the learned counsels for the parties does not find any ground for enlarging the applicant on bail at this stage.

The bail application is accordingly rejected.

The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.

Order Date :- 07.11.2023

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