

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43261 of 2023

Applicant :- Ashik Mansoori

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Ashraf

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard counsel for the applicant and Sri Sunil Kumar, learned AGA for the State.
2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 289 of 2023, under Sections 363 & 366 I.P.C. and Section 3/5(1) of U.P. Illegal Religion Conversion Abolition Act, Police Station- Hafijganj, District- Bareilly during pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The victim in her statement under Section 164 Cr.P.C. stated that she is aged eighteen years and had gone voluntarily with the applicant. The victim has not levelled any allegation against the applicant regarding forceful conversion from religion to another. The applicant is in jail since 26.06.2023, having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.
5. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that the allegations made in the FIR by the informant against the applicant have not been supported by the victim in her statement under Section 164 Cr.P.C. Further, the applicant has no criminal antecedents and has remained confined for more than three months and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Ashik Mansoori** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness; and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

7. 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 :- 18.10.2023

Sachin Mishra