

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43432 of 2023

Applicant :- Farjana

Opposite Party :- State of U.P.

Counsel for Applicant :- Ainul Haq, Sufia Saba

Counsel for Opposite Party :- G.A., Zafeer Ahmad

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Ainul Haq and Ms. Sufia Saba, learned counsel for the applicant, Sri Zafeer Ahmad, learned counsel for the complainant, learned AGA for the State-opposite party and perused the record.

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. 183 of 2023, under Sections 385, 386, 388, 504, 120-B I.P.C, Police Station- Kundarki, District- Moradabad, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. It is submitted that applicant herself is a victim, but under the influence of father of the informant, who is a politically powerful person, the present false F.I.R has been lodged. The informant contacted the applicant and made physical relationship also on the promise of marriage and during the relationship he has paid Rs. 34,500/-, till now during the physical co-habitation between the parties. The applicant became pregnant two times and on the pretext of the informant both the times the pregnancy was terminated. An F.I.R has also been lodged by the applicant under Sections 376, 313, 147, 504 & 506 I.P.C in which the informant is an accused, which could only be lodged on the application moved under Section 156 (3) Cr.P.C. The concerned police in collusion with

the informant has produced a false voice recording and the same is a part of case diary, which is yet to be proved in accordance with law. On several occasions since 15.2.2023 to 23.08.2023 total Rs. 34,500/- has been paid by the informant to the applicant, which is not an extortion money, but the same has been paid by the informant under the friendship in connection of relationship. The applicant has no previous criminal history in her credit. She has lodged an F.I.R against the informant of this case under Section 376 and other Sections of the I.P.C. The applicant is languishing in jail since 05.09.2023. In case, she is enlarged on bail, she will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made but 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- **Farjana**, involved in the aforesaid case crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that she:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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 :- 24.11.2023
Vinod/Shahroz