

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44731 of 2023

**Applicant :-** Faiz Khan @ Jogi

**Opposite Party :-** State Of U.P. And 3 Others

**Counsel for Applicant :-** Prashant Pandey

**Counsel for Opposite Party :-** G.A., Satya Dheer Singh Jadaun

**Hon'ble Pankaj Bhatia, J.**

1. Heard learned counsel for the applicant, Mr. Satya Dheer Singh Jadaun, learned counsel for the informant, learned AGA for the State and perused the record.

2. The F.I.R. in question was lodged as a missing person report. Subsequently, the statement of the victim was recorded under Section 161 Cr.P.C. in which she has stated that on 25.04.2023, applicant stopped her and has snatched her phone and has threaten and forced her to sit on his scooty, thereafter the applicant roamed at several places and lastly after dropping her house fled away. In the statement recorded under Section 164 Cr.P.C., the victim has stated that about one year back, she met with the applicant and thereafter continued to meet with him but on 04.04.2023 the applicant took her away forcefully and threatened her to throw acid and also pressurized her to marry with him. Learned counsel for the applicant submits that victim as well as applicant were known to each other for more than one year. Learned counsel for the applicant submits that applicant has never kidnapped or enticed away the daughter of the first informant. Learned counsel for the applicant further submits that applicant has a criminal history of two cases except the present one and the same has been explained in para nos.26 and 27 of the affidavit filed in support of the bail application. The applicant is in jail since 01.08.2023. It has also been submitted that there is no possibility of the applicant's fleeing away from the judicial process or tampering with the witnesses. Learned counsel submits that in case the applicant released on bail, he will not misuse the liberty of bail and will cooperate in trial.

3. Per contra, Mr. Satya Dheer Singh Jadaun, learned counsel for the informant as well as learned counsel for the first informant have vehemently opposed the bail application by submitting that as the threat of acid attack was given by the applicant to the victim as well as the applicant continued to misadventure despite being enlarged on bail in the earlier cases and thus, the applicant does not deserve any sympathy by this Court.

4. Considering the submissions made at the bar, prima-facie, from

the statements recorded under Sections 161 & 164 Cr.P.C., the same appeared to be highly improbable as the sites where the victim has stated to be frequented with the applicant are located in highly dense locality. Further, the applicant has no answer to the query as to why the applicant had dropped the victim to her home whose intention allegedly was of abducting her. The case in hand appears to be of teenage romance and coupled with the fact that criminal history of the applicant has been explained and he is languishing in jail since 01.08.2023, prima-facie, a case is made out for bail. The bail application is allowed.

5. Let the applicant **Faiz Khan @ Jogi** be released on bail in FIR No.213 of 2023, under Section 363, 366, 341 IPC & 7/8 of POCSO Act, P.S. Naubasta, District Kanpur Nagar, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) 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.

**Order Date :- 31.10.2023**

Sachin