

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48240 of 2023

Applicant :- Nazim

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar

Counsel for Opposite Party :- G.A.,Gyan Prakash Mishra

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and Sri Gyan Prakash Mishra, learned Counsel appearing on behalf of the complainant and perused the record.
2. In terms of the FIR, it was alleged that on 20.07.2023 at about 11:00 am, the daughter of the informant had gone along with one Zikara Fatima and thereafter she did not return. In the FIR, it was also alleged that she came to know from the villagers that her daughter was taken away by one Rehan son of Nazim, the applicant, with the conspiracy of the family members and the maternal uncle.
3. The Counsel for the applicant argues that apart from the allegation of conspiracy at the instance of the applicant, no specific allegation of the offence under Section 366 IPC is made out against the applicant. The FIR in question was lodged after two months without there being any explanation and the applicant has no criminal antecedents.
4. The Counsel for the informant, on the other hand, strongly opposes the bail prayer by arguing that the informant is a widow and is not aware of the legal listening and thus, there is a delay in lodging the FIR. It is further argued that the daughter of the informant is still missing and is not traceable despite the efforts made by the police authorities. He further argues that in fact the applicant herein has also lodged an FIR with regard to his son Rehan going missing. He thus argues that the bail application should be rejected.
5. Learned A.G.A. vehemently opposed the bail prayer.
6. Considering the allegations levelled in the FIR regarding

collusion at the instance of the applicant and his brother-in-law of helping Rehan, no specific allegations of the involvement of the applicant with the offence under Section 363 IPC is prima facie made out and there is no explanation of lodging the FIR after two months, the applicant has no criminal antecedents and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Nazim*** be released on bail in FIR/ Case Crime No.382 of 2023, under Sections 363, 120B, 368 IPC, Police Station Gulawathi, District Bulandshahar on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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 :- 8.11.2023
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