

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49387 of 2023

Applicant :- Kafeel

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Ishraque Farooqui, Shailendra

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, Sri Autl Kumar who appears for the informant as well as learned AGA and perused the record.
2. The accused-applicant seeks bail in Case Crime No.171 of 2023 under sections 364, 506 IPC, P.S. Bhopa, District Muzaffar Nagar.
3. The FIR in question was lodged by the informant alleging that the son was last seen with the applicant and apprehended that in the garb of enticing him for marriage, he has abducted and killed the son of the informant. The FIR in question was lodged on 16.06.2023 at 11:43 am whereas the son of the informant went missing on 07.03.2023. Subsequently, based upon the confessional statement alone, the applicant was implicated with the offence in question.
4. It is argued by the counsel for the applicant that apart from the said apprehension expressed in the FIR and the confessional statement of the applicant, no material exists so as to link the applicant with the offence in question. It is further argued that the applicant has no criminal history and has been falsely implicated.
5. The contention of the counsel for the informant is that in terms of the FIR, he was last seen with the son of the informant which clearly goes to implicate the applicant with the offence in question.
6. Considering the submissions made at the bar, prima-facie apart from the apprehension expressed, the only material against the applicant is the confessional statement without any further corroboration with any recovery or otherwise. As the applicant has no criminal antecedents and there is no material to form a view that the applicant if enlarged on bail may adversely affect the trial, the applicant is entitled for the bail. Thus the bail application is allowed.

5. Let the applicant *Kafeel* be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount 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 :- 21.11.2023

VNP/-