

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50712 of 2023

Applicant :- Vakeel Ahmad @ Vakeel

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Farooque Ansari

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Mohammad Farooque Ansari, learned counsel for the applicant and Sri Jhammanlal, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 346 of 2023, under Sections 366, 376 IPC, Police Station Rorabar, District Aligarh during pendency of the trial.
3. FIR of the present case was lodged against applicant and according to the FIR applicant enticed away the daughter of the informant aged about 17 years.
4. Learned counsel for the applicant submits that entire allegations made against applicant is totally false and actually applicant and victim both loved each other and victim herself had gone along with the applicant and this fact is evident from her statement recorded under Section 161 Cr.P.C.
5. He further submits that however when the statement of victim was recorded under Section 164 Cr.P.C. then she changed her earlier version and stated that applicant forcibly took her away and raped her.
6. He further submits that admittedly victim is a major girl aged about 19 years and applicant is not having any previous criminal history to his credit and he is in jail since 2.8.2023.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that victim is a major girl aged about 19 years and there are material contradictions in both the statements of the victim recorded under Section 161 Cr.P.C. and 164 Cr.P.C.

8. I have heard learned counsel for the parties and perused the record of the case.

9. It reflects that victim is major girl aged about 19 years and there are material contradictions in both the statements of the victim recorded under Section 161 Cr.P.C. and 164 Cr.P.C.

10. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

11. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

12. Let the applicant-Vakeel Ahmad @ Vakeel be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

13. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

14. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 28.11.2023

Aiman