

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13253 of 2023

Applicant :- Mohd Enaam Khan

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

Counsel for Applicant :- Bhupendra Pal, Aman Singh
Visen, Mayank Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav, J.

1. Sri Rajrshi Gupta, Advocate has filed his Vakalatnama on behalf of the informant today in the Court, the same is taken on record.
2. Heard Sri Mayank Singh, learned counsel for the applicant, Sri Rajrshi Gupta, learned counsel for the opposite party no.2 and learned Additional Government Advocate for the State as well as perused the material available on record.
3. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.181 of 2023, under Sections 354(B), 504, 506 IPC & Section 7/8 POCSO Act, Police Station- Khuldabad, District- Prayagraj.
4. As per FIR, allegation against the applicant is that the applicant has caused a shameful act of molestation with the victim by touching her body parts and threatened the other persons for burning the vehicle.
5. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case in fact no incident took place as alleged in the impugned FIR. He submitted that the applicant has not committed any offence as alleged in the FIR. There is no independent witness of the alleged incident and no complaint regarding the act of molestation has been made by the victim. He further submitted that the whole prosecution version is totally based on false and fake facts. The applicant has no criminal history. Learned counsel for the applicant further submitted that applicant has

apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.

6. Learned A.G.A. has vehemently opposed the prayer and submitted that the applicant has committed an atrocious crime against the society and female and he is danger to the society and female, hence, the applicant is not entitled to grant of anticipatory bail..

7. From the perusal of material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant, hence, the prayer for grant of anticipatory bail is hereby **refused**.

8. Accordingly, this application under Section 438 Cr.P.C. is **dismissed**. Applicant is advised to move regular bail application before the appropriate forum and if such application is given, the court below shall consider and disposed of the bail application expeditiously in accordance with law.

Order Date :- 1.12.2023
Krishna*