

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52400 of 2023

Applicant :- Amir Hussain

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Bahadur Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Ram Bahadur Singh, learned counsel for the applicant and Sri Jhamman Ram, learned AGA-I for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 723 of 2023, under Sections 376(2)(N), 323, 506 IPC, Police Station Baradari, District Bareilly during pendency of the trial.
3. FIR of the present case was lodged on 10.09.2023 against applicant and others and according to the FIR under false promise of marriage applicant was continuously sexually exploiting the informant and she several times conceived with the applicant and applicant caused miscarriage to her.
4. It is further mentioned in the FIR that applicant received huge amount of money from the informant under threat and by threatening her to viral her obscene videos and photos number of times committed rape upon her.
5. It is further mentioned in the FIR that applicant also pressurized the victim i.e. informant of the case to change her religion.
6. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and admittedly victim is major and married lady and from the FIR and her both the statements recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. her consent is quite apparent.
7. He further submits that however there is allegation of threatening on the basis of obscene videos and photos but during investigation no such videos and photos of the victim could be recovered. He further submits that there is also allegation against

the applicant that he caused miscarriage of the informant but except the bald and verbal allegation, there is no evidence in this regard on record.

8. He further submits that informant in the FIR also made allegation that applicant pressurized her to change her religion but informant initially was a Hindu girl but she performed her first marriage with Muslim boy after changing her religion and thereafter she made relationship with the applicant, therefore, there was no occasion for the applicant to pressurize her to change her religion.

9. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 15.09.2023.

10. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

12. Considering the argument advanced by learned counsel for the applicant and the fact that informant i.e. victim of the case is major and married lady and her consent from the FIR and her both the statements recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. is quite apparent, in my view, applicant is entitled to be released on bail.

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

14. Let the applicant - **Amir Hussain** 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.

15. 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.

16. 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 :- 7.12.2023

AK Pandey