

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6907 of 2023

Applicant :- Mohd. Faisal

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- D.P. Dutt Tiwari, Manish Kumar Mishra

Counsel for Opposite Party :- G.A., Rakesh Pandey, Sanjay Kumar Pandey

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri D.P. Dutt Tiwari, learned counsel counsel for the applicant, Sri Sanjay Kumar Pandey, learned counsel for the first informant and learned A.G.A. for the State.

2. This bail application has been filed by the applicant seeking bail in Case Crime No. 086 of 2023 under sections 323, 504, 506 and 316 I.P.C., P.S.- Chowk, District- Lucknow.

3. As per the version in the F.I.R., the first informant Farheen got married to Mohd. Faisal (the applicant herein) on 27.08.2022. She was put to cruelty by husband. It is alleged in the F.I.R. that on 13.04.2023, she was physically assaulted by her husband. Other members of the family exhorted him to beat her. Initially, the F.I.R. was registered under sections 323, 504 and 506 I.P.C., later on section 316 I.P.C. was added and the applicant was charge sheeted.

4. It is contended on behalf of the applicant that the fact of miscarriage cannot be attributed to the applicant as no external injury was found on her abdomen. Referring to the medico-legal, it is brought to my notice that the first informant sustained blunt object injury on forehead, at right eyebrow and on index finger. No physical injury was found on abdomen. None of medical papers of victim is suggestive of any external factor causing miscarriage. It is further contended that in a proceeding initiated on behalf of husband in application under section 482 Cr.P.C. No. 10562 of 2023, both the parties, in pursuance of the order dated 2.11.2023, settled their matter and agreed to withdraw the criminal cases filed by one against the other. For perusal of this Court, a copy of the order dated 2.11.2023 and copy of verified compromise has been produced which is taken on record.

5. The counsel for the first informant Sri Sanjay Kumar Pandey is present before this Court and he verified that the parties have arrived at compromise and have agreed to withdraw the criminal cases filed by them against each other.

6. Application for bail is opposed by the learned A.G.A. however, it is conceded that the parties have arrived at compromise.

7. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment, period of detention of applicant which is almost 7 months, absence of any criminal antecedents and fact of compromise voluntarily arrived at between the parties and all other facts and circumstances of the case. In my view, a case for bail is

made out.

8. Let applicant - **Mohd. Faisal** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

9. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

10. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 22.11.2023

Sumit Kumar