

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14073 of 2022

Applicant :- Ehtisham Ahmed Khan @ Rahil

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lko. And 3 Others

Counsel for Applicant :- Dr. Pooja Singh,Irfan Alam

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Irfan Alam, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned A.G.A.-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 154 of 2022, under Section 354(A), 506 I.P.C. and Section 7/8 of Protection of Children from Sexual Offences Act and Section 3,5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 registered at Police Station Tulsipur, District Balrampur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 16.07.2022, alleging that the informant's daughter used to take tuition from the applicant and the applicant entangled her in his love and tried to persuade her to convert her religion. It is also alleged in the F.I.R that the applicant demanded physical relation from the informant's daughter.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. A counter affidavit has been filed by the State opposing the bail application and copies of material collected during investigation have been annexed with the counter affidavit, which are already been annexed with the affidavit filed in support of the bail application.
6. In the statement of the victim recorded under Section 161 Cr.P.C, wherein in response to a specific question whether the applicant ever did any obscene activity with her, she answered in the negative.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the the applicant has no criminal history and he is languishing in jail since 14.09.2022 and as per the statement given by the leaned counsel for the applicant, even charges have not been framed till date and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

8. Accordingly, this bail application stands **allowed**.

9. Let the **applicant- Ehtisham Ahmed Khan @ Rahil** 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 Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 16.11.2023

Preeti.