

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2338 of 2023

Applicant :- Mubarak Ali

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

Counsel for Applicant :- Atul Kumar Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Atul Kumar Singh Parmar, the learned counsel for the applicant as well as Smt. Parul Kant, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 366 of 2023, under Sections 504, 506 IPC and 67 IT Act, registered at Police Station - Manjhila, District - Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.08.2023 alleging that the informant has virally spread some objectionable photographs of the informant's daughter aged about 18 years, through a whats app group.
4. In the affidavit filed in support of the anticipatory bail-application, it has been stated that the applicant is innocent and he has no criminal history.
5. The learned counsel for the applicant has submitted that the mobile numbers mentioned in the FIR, do not belong to the applicant.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case, and keeping in view the fact that the offences alleged carry a maximum punishment of imprisonment upto three years and that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant- Mubarak Ali** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

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

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 19.10.2023

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