

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12890 of 2023

Applicant :- Mohammd Ashraf Ansari

Opposite Party :- State Of U.P. Thru. Secy. Home Deptt. Govt. Sectt. Lko

Counsel for Applicant :- Syed Nayab Raza, Upendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Shri Syed Nayab Raza Rizvi, learned counsel for the applicant as well as Shri Anurag Varma, learned A.G.A. for the State of U.P. and perused the record.

2. By means of the instant application the applicant Mohammad Ashraf Ansari seeks bail in Case Crime No. 663 of 2022, under Section 370, I.P.C., P.S. Chinhat, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 22.08.2022 by an Inspector of Police against six persons, stating that on the basis of information received from a Mukhbir, a bus was intercepted, in which 11 children were travelling with the 6 accused persons and it is alleged in the F.I.R. that the children told that they were being taken for working as servants, against their wishes.

4. In the affidavit filed in support of the bail-application it has been stated that the applicant is innocent. He has falsely been implicated in the present case and he has no criminal history. Copies of affidavits of four persons, who are mothers of the children, have been annexed with the affidavit, wherein all of them have stated that the children were going to attend Aqiqa ceremony in their relatives place. Four of the accused persons have already been granted granted by bail in the present case.

6. Having considered the aforesaid facts and circumstances of the case, what prima facie appears is that there is no material to prima facie establish that the children were being taken to exploit them, by using threat, force or fraud etc. Without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 22.08.2022, are sufficient for making

out a case for enlargement of the applicant on bail.

7. Accordingly, this bail application stands allowed.

8. Let the applicant Mohammad Ashraf Ansari be released on bail in the aforesaid Case Crime No. 663 of 2022, under Section 370, I.P.C., P.S. Chinhath, District Lucknow, on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to 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.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023

Virendra