

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2683 of 2023

Applicant :- Mohammad Faheem

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

Counsel for Applicant :- Kaleem Ur Rehman

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Kaleem Ur Rehman, the learned counsel for the applicant as well as Sri Anant Pratap Singh, 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.05 of 2017, under Section 376 I.P.C., registered at Police Station Saadatganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.01.2017 against six persons, including the applicant, alleging that the informant came into contact with the applicant about four years ago in connection with a job and by taking her into confidence the applicant made physical relations with her. The informant further claimed that she kept on paying money to the applicant and his family members but ultimately he did not marry her.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case. A supplementary affidavit has been filed on behalf of the applicant stating that the applicant had no

knowledge of the present case till recently. It has further been stated that the applicant is father of a daughter aged about two years and nine months

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the averments made in the F.I.R. itself it appears that the parties were in relationship since long and the F.I.R. was lodged when the relationship could not culminate into marriage; that the applicant is married to some other lady and he has got a daughter aged about two years and nine months coupled with the fact 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.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Mohammad Faheem** 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 :- 28.11.2023

Ram.