

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14241 of 2023

Applicant :- Parvez

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt., Civil Sectt. Lko.

Counsel for Applicant :- Pawan Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pawan Kumar Sharma, learned counsel for the applicant, Sri H.S. Maurya, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 728 of 2022, under Sections 376, 506 I.P.C., registered at Police Station Kotwali Dehat, District Bahraich.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.12.2022 alleging that the informant was married to one Hasmat Ali who used to live at Mumbai taking undue advantage of the informant's living alone, the applicant repetitively exploited the informant sexually. Under pressure created by the applicant, the informant got divorced from her husband but thereafter the applicant was not willing to keep her with him.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case. Applicant's involvement in four other cases has been disclosed by filing a supplementary affidavit in two of which he has already been granted bail in remaining two cases, he has not been summoned. It has further been stated in the affidavit that the applicant had performed Nikah with the informant on 14.01.2023, however, the informant left the matrimonial home on 18.01.2023 without informing any person and the applicant's father had lodged a missing report on

19.06.2023.

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 the informant claims to have repeatedly made forcible relations with the applicant in absence of her husband and she did not make any complaint of it to any person; that the informant being already married, it becomes doubtful that she had made forcible relations under allurement given to her; that after her divorce with her husband, the applicant had married her and she lived with the applicant till 14.01.2023 thereafter she left her matrimonial home and without making any observation, 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 in the aforesaid crime.

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

8. Let the **applicant-Parvez** be released on bail in aforementioned case on 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.

(Subhash Vidyarthi, J.)

Order Date :- 4.12.2023
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