

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47062 of 2022

Applicant :- Imran Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhanshu Gupta, Akhilendra Yadav, Noor Muhammad, Yogesh Kumar Srivastava

Counsel for Opposite Party :- G.A., Alok Singh

Hon'ble Raj Beer Singh, J.

1. Heard learned counsel for the applicant, learned counsel for the informant and learned A.G.A. for the State are present.
2. The present bail application has been filed by the applicant in Case Crime No. 481 of 2022 under Sections 328, 376, 506 IPC and section 3, 5 (1) of Prohibition of Unlawful Religious Conversion Act, Police Station South, District Firozabad, with a prayer to enlarge the applicant on bail.
3. Learned counsel for the applicant submitted that applicant-accused is innocent and he has not committed any offence. The victim is a 21 years old educated lady. Statement of victim recorded under Section 164 Cr.P.C. was referred, wherein she has stated that she is B.Com. and she used to work as teacher and she and applicant used to like each other. She has alleged that in June 2021 applicant took her to Asimabad and administered some intoxicant in her cold drink and committed rape upon her and he also took some obscene photographs and asked her to change her religion. Learned counsel for the applicant submits that the statement of the victim clearly show that she was a consenting party. It was submitted that victim remained with the applicant for about four months and during that period she has never made any complaint. The first information report was lodged with long delay with malafide intention. The victim has not sustained any injury. Lastly it was submitted that applicant accused is languishing in jail since 30.8.2022 having no criminal history.
4. Learned A.G.A. and learned counsel for the informant have opposed the application and submitted that the victim has made clear allegation that the applicant has administered intoxicant in her cold drink and thereafter committed rape upon her. On the

basis of her obscene photographs, applicant has blackmailed her and also forced her to change religion. It was submitted that there are serious allegations against the applicant.

5. Considering the submissions of learned counsel for the parties, nature of accusations, the period of detention and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby **allowed**.

6. Let the applicant **Imran Ali**, involved in the aforesaid crime be released on bail on his furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned subject to the following conditions:

- i. The applicant will not tamper with the evidence during trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant will not try to contact, threat or otherwise influence the complainant or any of the witness of the case.

7. In case of breach of any of the above conditions, the court concerned shall be at liberty to cancel the bail of applicant, in accordance with law.

Order Date :- 11.1.2024

Kumar Manish.