

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38948 of 2024

Applicant :- Anis Ahmad

Opposite Party :- State Of Up And 3 Others

Counsel for Applicant :- Anil Kumar, Bakhteyar Yusuf

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav, J.

1. Heard learned counsel for the applicant; learned AGA for the State and perused the material placed on record.

2. The instant bail application has been filed on behalf of the applicant, Anis Ahmad, with a prayer to release him on bail in Case Crime No. 534 of 2024, under Sections 376(2), 506 IPC and Section 5L/6(2)/4 of POCSO Act and Section 3(2)5 of SC/ST Act, P.S. Indrapuram, District Ghaziabad, during pendency of trial.

3. Allegation against the applicant is that on 03.03.2024, applicant is said to have committed rape with the victim aged about **13 years 8 months and 5 days**.

4. At the outset, learned counsel for the applicant sought interim bail on the ground that on 11.11.2024, the marriage of the son and daughter of the applicant is fixed, which is going to be solemnized in Muzaffar Nagar and except the applicant no one is there to manage the entire affairs of marriage especially the marriage of his daughter, in which presence of the applicant is necessary and hence on this ground, applicant has prayed for release on interim bail till the solemnization of marriage.

5. Learned AGA however, opposed the interim bail and contended that the allegation against the applicant is of very serious in nature and he does not deserve any sympathy on the allegation as alleged against him.

6. Having considered the submissions of the applicant, without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on **Interim bail till 25.11.2024** on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 269

BNS.

(iv) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS, may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 209 BNS.

(v) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 BNSS If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

7. In case, of breach of any of the above conditions, it shall be a ground for cancellation of interim bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. List this case on 25.11.2024. The applicant shall surrender on or before 25.11.2024.

Order Date :- 6.11.2024

RavindraKSingh