

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 7968 of 2022

Applicant :- Julfikar

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Zakir

Counsel for Opposite Party :- G.A.

Hon'ble Suresh Kumar Gupta,J.

Heard learned counsel for the applicant, learned A.G.A. appearing for the State and perused the record.

The present anticipatory bail application under Section 438 Cr.P.C. has been filed for grant of anticipatory bail as the accused-applicant is apprehending his arrest in connection with Case Crime No.718 of 2022, under Sections 323, 326, 120-B IPC, Section 75/80 of the Juvenile Justice Act and Section 3/5 of U.P. Law Against Religion Prohibition of Conversion Act , Police Station- Kavinagar, District- Ghaziabad.

It is contended on behalf of the applicant that he is innocent and has been falsely implicated in the present case. He further submitted that F.I.R. against the applicant was lodged as per information through social media by the the police against the applicant with the allegation that the applicant has converted the religion of the victim/Sonu by adopting correct procedure i.e. writing 'godnama' on a stamp of Rs. 50/- and by cutting the exterior part of penis by sharp edged weapon. Learned counsel for the applicant submitted that the applicant has no concern with the conversion of the religion of the child- Sonu. He also submitted that foster parents Smt. Soni @ Kunni Devi and Mithlesh Yadav has given the child to the applicant and the applicant given the child to Smt. Babli and Umar Mohammad. Smt. Babli has been granted anticipatory bail by the court below and co-accused Umar Mohammad has been granted regular bail. Further submission is that the applicant shall fully cooperate with the investigation. Therefore the applicant may be enlarged on anticipatory bail and he is ready to cooperate with the trial. If the applicant is granted anticipatory bail, he will never misuse the same.

Learned A.G.A. opposed the prayer for anticipatory bail.

Without expressing any opinion on the merits of the case, considering the nature of accusation and the fact that the applicant is entitled to be released on anticipatory bail in this

case.

In the event of arrest of the applicant **Julfikar** shall be released on anticipatory bail till the submission of police report, if any, under section 173 (2) Cr.P.C. before the competent Court on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) the applicant shall make himself/herself available for interrogation by a police officer as and when required;

(ii) 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 them from disclosing such facts to the Court or to any police office;

(iii) the applicant shall not leave India without the previous permission of the Court and if the applicant has passport the same shall be deposited by the applicant before the S.S.P./S.P. concerned.

In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

The Investigating Officer is directed to conclude the investigation of the present case in accordance with law expeditiously preferably within a period of three months from the date of production of a certified copy of this order independently without being prejudice by any observation made by this Court while considering and deciding the present anticipatory bail application of the applicant.

The applicant is directed to produce a certified copy of this order, before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.

The anticipatory bail application is, accordingly, **disposed of**.

Order Date :- 8.9.2022

Anuj Singh