

**Court No. - 12**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 664 of 2022

**Applicant :-** Naushad Ali (Second Bail Application)

**Opposite Party :-** State Of U.P.Thru Prin.Secy Home Lucknow

**Counsel for Applicant :-** Awanish Kumar Bhatt,Devesh Deo Bhatt,Manoj Kumar Mishra,Mohd. Shahanshah Newaz Khan

**Counsel for Opposite Party :-** G.A.,Arun Sinha,Hemant Kumar Pandey,Riyaz Ahmad

**Hon'ble Dinesh Kumar Singh,J.**

1. Heard Mr.Awanish Kumar Bhatt, learned counsel for the applicant, Mr.J.L. Maurya, learned A.G.A. for the State and Mr.Arun Sinha, learned counsel for the complainant and perused the record. Counter affidavit is taken on record.

2. The present bail application under Section 439 Cr.P.C. has been filed by the applicant seeking bail in FIR No.0252 of 2019, under Sections 376, 511, 504, 506, 120B IPC, 67 Information Technology, Police Station Sahadatganj, District Lucknow.

3. Facts of this case are very disturbing and startling. The complainant is none other than the daughter of the accused-applicant. As per the allegations in the FIR, the accused-applicant had bad eye on her daughter since 2014. In 2013, he brought one girl namely, Sonam and he would do everything with her and also supply her to builders. It is also alleged that the accused-applicant had video-graphed the act and would blackmail the said Sonam. However, in 2015, the said girl left the accused-applicant, and went away. The accused-applicant started following his own daughter and would also touch her inappropriately. It is further alleged that in one night, he tried to rape her. When she protested, she was hit by him. Younger brother and mother had left the accused-applicant and they are living with maternal grand father of the prosecutrix. Further allegation is that the accused-applicant uploaded nude photos of the prosecutrix in his Facebook Account. The accused-applicant would threaten the prosecutrix that she would be killed and allegations would be leveled against the religious gurus, Kalve Jawad and Meesham @ Iftekhaar Hussain.

4. State in its counter affidavit has brought on record criminal history of 11 cases of the accused-applicant. However, perusal of the same would suggest that the offences registered against the accused-applicant are of trivial

nature.

5. Considering the relationship between the accused-applicant and the prosecutrix, heinousness of the offence, societal impact of the offence and the statement of the prosecutrix recorded under Section 164 Cr.P.C. as well as evidence collected by the police during the investigation, this Court does not find it appropriate to enlarge the accused-applicant on bail. This bail application is thus, ***rejected*** at this stage. The accused-applicant has been in jail since 28.08.2019. Trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of one year from the date, a certified copy of this order is produced before it.

**Order Date :- 19.4.2022**  
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