

**Court No. - 64**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 19743 of 2021

**Applicant :-** Quavi Ahmad

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Rajrshi Gupta, Rizwan Ahamad, Sr. Advocate

**Counsel for Opposite Party :-** G.A.

**Hon'ble Saumitra Dayal Singh, J.**

1. Heard Sri Rizwan Ahmad, learned counsel for the applicant and Sri Ankit Srivastava, learned A.G.A. for the State.
2. This anticipatory bail application has been filed on behalf of the applicant - **Quavi Ahmad**, seeking anticipatory bail in **Case Crime No.735 of 2021, under Sections -328, 376, 323, 504, 506, 392, 452, 120-B I.P.C. and Sections-3, 5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020, Police Station -Civil Lines, District -Prayagraj**, during pendency of trial.
3. Put up this case on 07.01.2022 in the additional cause list. By the said date, counter affidavit be filed by learned A.G.A.
4. At present, there are no criminal antecedents of the applicant shown as also no real apprehension has been expressed by the State of the applicant fleeing from justice, if the present application is allowed.
5. While the bail application has been opposed by learned AGA, learned counsel for the applicant submits that though allegation of heinous offence is made out in the FIR, at the same time, present is an exceptional case where there is a complete absence of material to establish the basic fact allegation. In fact, enough material exists that may never be rebutted to establish that the parties were in a long standing relationship since 2018, both at the personal level and at business level wherein they started the joint venture at Lucknow. Referring to the communication that had arisen in the normal course of the relationship between the parties, it has been further submitted, only because of the business relationship having gone bad, wholly false, frivolous and malicious allegations have arisen, as are contradicted with unrebutted material. Instead of first testing the basic veracity of that material, the applicant is being threatened with arrest under the pressure of the first informant. Further, wholly inherently, improbable fact allegation has been made in the FIR of the applicant having chased the informant through the market area Civil Lines in the

early part of the evening and to have assaulted her whereupon the informant alleges to have taken shelter in the police chowki which fact is wholly uncorroborated. Referring to the CCTV recording, it has been submitted that the alleged victim girl had parked her two wheeler vehicle outside the house of the applicant and hired a three wheeler rickshaw only to create the false narration.

6. It is further provided that no impediment has been placed in the investigation as to the fact allegation that may otherwise be ascertained.

7. Thus, without expressing any opinion on the merits of the case, the applicant is entitled to interim anticipatory bail in this case, at this stage.

8. In the event of arrest of the applicant - **Quavi Ahmad**, involved in the aforesaid case crime, he shall be released on **interim anticipatory bail** till the next date fixed, on his furnishing a personal bond of **Rs. 50,000/-** with two sureties of the like amount to the satisfaction of the Station House Officer of the police station concerned OR before the court concerned on the following conditions:

(i) The applicant shall make himself available for interrogation by a police officer/by the court as may be the case.

(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 him/her from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iii) The applicant shall not leave India without the previous permission of the court.

(iv) In default of any of the conditions mentioned above, the investigating officer shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant.

**Order Date :- 17.12.2021**  
S.Chaurasia