

**Court No. - 73**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 11431 of 2023

**Applicant :-** Vikas Meena

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

**Counsel for Applicant :-** Bharat Singh

**Counsel for Opposite Party :-** G.A.,R.P.S. Chauhan

**Hon'ble Nalin Kumar Srivastava,J.**

1. This application has been moved on behalf of the applicant **Vikas Meena** seeking anticipatory bail in Case Crime No. 154 of 2023, under Section 306 IPC and 3/4 Dowry Prohibition Act, Police Station Ughaiti, District Budaun.

2. Heard learned counsel for the applicant, learned counsel for the informant as well as the learned A.G.A. for the State and perused the record.

3. It is alleged in the F.I.R. that the marriage of the deceased was settled with the present applicant and engagement also took place and at that time the present applicant was serving as Stenographer but subsequently when he was appointed as Income Tax Inspector, he refused to marry with the deceased and when he was requested, a demand of Rupees Sixty Lakhs was made as dowry and due to this break down the deceased reached in a state of distress but the applicant used to threaten the deceased on mobile and subsequently feeling humiliation and insult and also on provocation of the applicant the deceased committed suicide on 13.8.2023. F.I.R. was lodged on 15.8.2023 and investigation started, which is still going on.

4. It is submitted by the learned counsel for the applicant that applicant is innocent and he has apprehension of his arrest in the above-mentioned case, whereas there is no credible evidence against him. Allegations levelled against the applicant are false. There was no abetment or instigation on the part of the applicant to the deceased to commit suicide. It is further submitted that due to the adamant behaviour of the informant, the marriage could not be solemnized and the suicide as such took place after six months from the date of the break down of the marriage. Essential ingredients of the offence under Section 306 IPC are completely

missing in this case. The applicant has no criminal history to his credit. The investigation of the case is going on and the applicant is cooperating with the same. It is also submitted that a Criminal Misc. Writ Petition No. 13741 of 2023 was preferred by the present applicant before this Court for quashing of the F.I.R. but however, no relief was granted to him and vide order dated 29.8.2023 he was given a choice to move Anticipatory Bail Application. It is further submitted that it is wrong to say that at the time of settlement of the marriage the applicant was working as Stenographer but as a matter of fact he was selected on the post of Income Tax Inspector on 16.12.2019. It has been submitted that in case applicant is granted anticipatory bail, he shall not misuse the liberty of bail and would obey all conditions of bail. In support of his submissions, learned counsel for the applicant has placed reliance upon the decisions of the Hon'ble Apex Court in **Yadanapudi Madhusudhana Rao vs. The State of Andhra Pradesh & Others**, (Criminal Appeal No. 901 of 2017) decided on 9.8.2023 and in **Sanju @ Sanjay Singh Sengar vs. State of Madhya Pradesh**, 2002(3) Supreme 650.

5. Learned A.G.A. and learned counsel for the informant opposed the prayer for anticipatory bail and submitted that during investigation sufficient and ample evidence has been collected against the applicant to the effect that since the marriage was broken down by the present applicant and his family members, the same caused a huge humiliation and distress to the deceased. She was very much insulted and at the same time the applicant used to threaten her on mobile for demand of huge dowry by him and also by his family members and a social stigma was imposed upon the deceased and that is why she committed suicide by hanging. It is also submitted that the applicant was not selected on the post of Income Tax Inspector at the time of settlement of the marriage as his Identity Card has been issued by the Income Tax Department on 27.6.2023. It is further submitted that the deceased has expressed her anguish and grief on mobile and a video in this regard has been prepared which has been taken into custody by the Investigating Officer and same has been sent for forensic test. He was continuously harassing the deceased. It is also submitted that in the post mortem report cause of the death of the deceased has been found asphyxia due to ante mortem hanging. It is also submitted that the deceased had absolutely no reason to commit suicide unless he was abetted/ instigated by the applicant.

6. I have considered the rival submissions made by the learned counsel for the parties.

7. From the perusal of the record it reveals that during investigation evidence has been collected to the effect that since the marriage was break down by the present applicant and his family members it caused a huge humiliation and distress to the deceased. She was very much insulted and at the same time the applicant and his family members used to threaten her on mobile for demand of huge dowry and a social stigma was imposed upon the deceased.

8. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

9. In **Ude Singh and Others Versus State of Haryana, (2019) 17 Supreme Court Cases 301**, it has been held by the Hon'ble Apex Court that -

"16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above-referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC.....However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide."

10. In the peculiar facts and circumstances of the case, break down of the marriage by the applicant and continuous humiliation and

distress caused to the deceased by him, may be taken as an abetment to the deceased to commit suicide.

11. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant, all attending facts and circumstances of the case and the fact that his continuous course of conduct which created a situation leading the deceased perceiving no other option except to commit suicide and also the fact that the allegations are serious in nature, without expressing any opinion on the merits of the case, in my view, it is not a fit case for anticipatory bail to the applicant. Prayer made in the application is refused.

12. The anticipatory bail application is **rejected**.

**Order Date :- 9.11.2023**

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