

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11422 of 2023

Applicant :- Smt. Arti

Opposite Party :- State of U.P.

Counsel for Applicant :- Anand Pati Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Vakalatnama filed on behalf of the complainant/opposite party no.2 today in the Court, the same is taken on record.
2. Heard Sri Anand Mani Tiwari, learned counsel for applicant, Sri Gaurav Pratap Singh, Advocate holding brief of Sri Gautam Baghel, learned counsel for the informant and learned A.G.A. as well as perused the material available on record.
3. The present application for anticipatory bail has been filed by the applicant for protection in regard to Case Crime No.116 of 2023, under Sections 306, 504, 120-B I.P.C., P.S.-Kadrigate, District- Farrukhabad.
4. Initially, an FIR was lodged by first wife/first informant of the deceased against the applicant and other co-accused alleging therein that the applicant along with other-accused induced her husband Santosh Kumar to commit suicide, due to which Santosh Kumar, being upset, committed suicide.
5. Learned counsel for the applicant submitted that the applicant is innocent and she has been falsely implicated in the present case, the applicant is second wife of the deceased, she is mother of one child and having pregnancy of six months. He submitted that first wife of the deceased is alive and she has no issue. The applicant has no concern with the alleged incident. The applicant is having no previous criminal history as has been mentioned in paragraph 39 of the affidavit. Learned counsel for the applicant further submits that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, she will not misuse the liberty and would co-operate with the

investigation.

6. Learned counsel for the informant as well as learned A.G.A. have vehemently opposed the prayer and submitted that there is video recording of the deceased which is part of case diary where the deceased has stated that the applicant has tortured and insulted him and she has induced the deceased to commit suicide, due to which deceased being upset, committed suicide. He further submitted that the crime committed by the applicant is of serious nature, therefore, keeping in view the seriousness of the allegations made against the applicant, the applicant is not entitled to grant of anticipatory bail. The apprehension of the applicant is not founded on any material on record. Only on the basis of imaginary fear, anticipatory bail cannot be granted.

7. From the perusal of material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant.

8. After having very carefully examined, the submissions made by the learned counsel for the applicant and perused the material available on record, there is no justification for granting anticipatory bail to the applicant. Accordingly, the prayer for grant of anticipatory bail is hereby **refused**.

9. Accordingly, this application under Section 438 Cr.P.C. is **dismissed**. The applicant is a lady, she has one child and she is having six months pregnancy, the applicant is advised to move regular bail application before the appropriate forum and if such application is given, the court below shall consider and disposed of the bail application expeditiously in accordance with law.

Order Date :- 16.10.2023
Krishna*