

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11691 of 2023

Applicant :- Smt. Jareena And Another

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- A.C.Tiwari(Ac),Shyam Kishore
Tripathi

Counsel for Opposite Party :- G.A.,Rafeek Ahmad Khan

Hon'ble Krishan Pahal,J.

1. List has been revised. Supplementary affidavit filed today by learned counsel for the applicants is taken on record.
2. Heard Sri A.C. Tiwari, learned counsel for the applicants, Sri S.P. Pandey, learned A.G.A. for the State and perused the material placed on record.
3. The instant application has been filed with a prayer to enlarge them on anticipatory bail in Case Crime No.57 of 2023, under Sections- 498A, 304B I.P.C. and Sections- 3/4 of Dowry Prohibition Act, Police Station- Kharela, District- Mahoba, during the pendency of trial.
4. Learned counsel for the applicants has submitted that co-accused person, Hasan, has already been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 27.10.2023 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.11702 of 2023. Therefore, the present applicants, who are mother-in-law and father-in-law of the deceased, are also entitled for anticipatory bail on the ground of parity. Learned counsel for the applicants undertakes that they will cooperate in the trial, failing which the State can move appropriate application for cancellation of the anticipatory bail.
5. The prayer for anticipatory bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by him.
6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, pending trial and in light of the judgement passed by this Court in **Nanha S/o Nabhan Kha vs. State of**

U.P., 1993 CrL.J. 938 and the judgement passed by the Apex Court in **Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021**, without expressing any opinion on the merits of the case, the Court is of the view that the applicants have made out a case for anticipatory bail. The anticipatory bail application is allowed on the ground of parity.

7. In view of the above, the anticipatory bail application of the applicants is allowed. Let the **accused-applicants- Smt. Jareena and Sadik Ali** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i). that the applicants shall make themselves available for interrogation by a police officer as and when required;*
- (ii). that the applicants 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 from disclosing such facts to the court or to any police officer or tamper with the evidence;*
- (iii). that the applicants shall not leave India without the previous permission of the court;*
- (iv). that in case charge-sheet is submitted the applicants shall not tamper with the evidence during the trial;*
- (v). that the applicants shall not pressurize/ intimidate the prosecution witness;*
- (vi). that the applicants shall appear before the trial court on each date fixed unless personal presence is exempted;*
- (vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.*

8. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

(Justice Krishan Pahal)

Order Date :- 17.11.2023

Saif