

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11859 of 2023

Applicant :- Parul Singh Yadav

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

Counsel for Applicant :- Harsh Kumar Srivastava

Counsel for Opposite Party :- G.A.,Akhilesh Singh
Yadav,Mahrani Deen Yadav,Shiv Kumar Gupta

Hon'ble Nalin Kumar Srivastava,J.

1. This application has been moved on behalf of the applicant **Parul Singh Yadav** seeking anticipatory bail in Case Crime No. 172 of 2022, under Section 306 IPC, Police Station Dhoomanganj, District Prayagraj.

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

3. It is alleged in the F.I.R. that the Aditya, son of the informant, was working in D.R.M. Office, Railways, Prayagraj and he was residing on rent in the house of Shiv Prakash Srivastava. It is also alleged that all the named accused persons lured him into their love trap and convinced him for marriage with the applicant, namely, Parul Singh Yadav and the son of the informant purchased a house at District Fatehpur and payment of which was made by the son of the informant and the said house was mutated in the name of the applicant. It is also alleged that thereafter all the accused persons refused to marry with intention to grab the house and when the son of the informant demanded his money back, a dispute arose between them and on 28.3.2022 Aditya went to Fatehpur and when asked for his money back, he was tortured and thereafter he returned and on 29.3.2022 committed suicide by hanging. F.I.R. was lodged, investigation started, which is still going on.

4. It is submitted by the learned counsel for the applicant that applicant is innocent and she has apprehension of her arrest in the above-mentioned case, whereas there is no credible evidence against her. Allegations levelled against the applicant are false. F.I.R. in this case was lodged belatedly without any plausible explanation regarding the delay. There was no abetment or

instigation on the part of the applicant to the deceased to commit suicide. It is also submitted that the prosecution story is not natural and probable. It is not natural that the deceased used to visit and live with the applicant, and she got mutated the house of the deceased in her name but he did not make any complaint regarding the same. Essential ingredients of the offence under Section 306 IPC are completely missing in this case. The applicant has no criminal history. General allegations have been levelled against all the accused persons. The investigation of the case is going on. 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.

5. Learned A.G.A. 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 the deceased was abetted by the applicant to commit suicide. It is also submitted that in the post mortem report the cause of the death of the deceased has been found asphyxia due to ante mortem hanging. It is further submitted that the informant of the case has also narrated the conduct of the applicant as to how she continuously tortured his son and brought him in a state of deep depression and ultimately he committed suicide. 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 the deceased was in deep love with the present applicant and as per the materials available on record the applicant took advantage of the emotions and feelings of the deceased and since the deceased was given impression by the applicant and her family members that his marriage would be performed in near future and also taking advantage of this situation, the applicant grabbed a huge amount of money from the deceased and the applicant alongwith her family members was also trying to grab the property of the applicant but the marriage was not performed and the whole conduct and behaviour of the applicant led the deceased to commit suicide. Though the suicide note was produced by the applicant and the learned AGA also admitted that one suicide note was handwritten by the deceased and a photo of the same taken by his mobile snap shot has already been taken into custody by the I.O. alongwith original suicide note. The suicide note in the mobile snap shot was sent for F.S.L. report also but the same was returned therefrom

asking for the original hand written suicide note and as such no F.S.L. report is on record at present. The informant of the case has also narrated the conduct of the applicant as to how he continuously tortured his son and brought him in a state of deep depression.

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, torture and harassment caused to the deceased by the present applicant, 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 her 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 application is **rejected**.

Order Date :- 6.11.2023

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