

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12527 of 2023

Applicant :- Kunvarpal

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

Counsel for Applicant :- Santosh Kumar Upadhyay, Vinod Kumar Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav, J.

1. Sri Saurabh Tripathi, Advocate has file his Vakalatnama on behalf of the opposite party no.2 today in the Court, the same is taken on record.
2. Heard Sri Santosh Kumar Upadhyay, learned counsel for the applicant, Sri Saurabh Tripathi, learned counsel for the opposite party no.2 and learned A.G.A as well as perused the material available on record.
3. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.271 of 2023, under Sections 306, 504, 506 I.P.C., P.S.- Aliganj, District- Etah.
4. As per FIR, the informant lodged an FIR on 26.9.2023 with the allegation against the applicant that the deceased was feeling ashamed due to illicit relation of the applicant with his daughter-in-law and as a result of which the deceased committed suicide.
5. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case due to matrimonial dispute between informant and the deceased and informant is pressuring the applicant to transfer 25 Bigha of land in her favour. The applicant has played no role in commission of suicide by the deceased (son of the applicant), the applicant is father of the deceased and being father, he has no reason to instigate his son to commit suicide. He submitted that the applicant is retired person from Army from the post of Honorarium Captain. He further submitted that the informant live separately from the

deceased and applicant since 20.7.2022. He submitted that incident took place on 14.9.2023 and deceased died on 15.9.2023 where FIR was lodged on 26.9.2023. The applicant has criminal history of one case which has been explained in paragraph 26 of the affidavit. Learned counsel for the applicant further submitted that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.

6. Sri Saurabh Tripathi, learned counsel for the opposite party no.2 and learned A.G.A. have opposed the prayer for anticipatory bail of the applicant. Learned counsel for the opposite party no.2 submitted that the applicant had illicit relationship with the wife of his elder son, which was opposed by the deceased, but the applicant did not accept it, due to which the deceased was feeling very ashamed and committed suicide by consuming poison. The offense committed by the applicant is of serious nature, therefore, the applicant is not entitled to grant of anticipatory bail.

7. Without expressing any opinion on the merits of the case and considering the allegation levelled against the applicant and the nature and gravity of the accusation, I find no ground for grant of anticipatory bail to the applicant.

8. Accordingly, this application under Section 438 Cr.P.C. is **dismissed**. 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 :- 16.11.2023

Krishna*