

**Court No. - 72**

**Case :- CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 13325 of 2023**

**Applicant :- Beekesh Tyagi @ Sonu**

**Opposite Party :- State Of U.P. And Another**

**Counsel for Applicant :- Pankaj Kumar Mishra**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Krishan Pahal,J.**

1. List has been revised.
2. Heard Sri Saurabh Mishra, Advocate holding brief of Sri Pankaj Kumar Mishra, learned counsel for the applicant and Sri Anit Kumar Shukla, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.534 of 2023 registered under Sections 498A, 313, 494, 377, 323, 504 and 506 IPC at Police Station- Ajeetmal, District Auraiya with a prayer to enlarge him on anticipatory bail.
4. As per prosecution story, the marriage of the applicant was solemnized with the informant as per Hindu Rites on 27.10.2014. Subsequent to it, the applicant and other family members are stated to have subjected her to cruelty for demand of dowry. There are particular allegations against the applicant of committing unnatural offence with her. The applicant is stated to have remarried another women despite the valid marriage with the informant and is stated to have left her on her own to lead a life of destitution and vagrancy on 01.09.2023.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. The FIR is delayed and even to the last incident, it is delayed by nine days. There is no medical evidence to corroborate the prosecution story. Learned counsel has further stated that even the allegations of termination of pregnancy of the victim do not stand fortified by any medical evidence whatsoever. It was the applicant who had got the treatment of the victim undertaken and even had tried to get her impregnated by IVF, which failed. Learned counsel has further stated that as per the statement of the victim recorded under Section 164 Cr.P.C., she got ectopic pregnancy as such had to undertake the medical termination of

pregnancy which is but natural. No fault can be assigned to the applicant for having caused the ectopic pregnancy of the victim. Subsequently, the same allegations have been levelled regarding the another Fallopian tube of the informant.

6. Learned counsel for the applicant has further stated that even the second marriage of the applicant was solemnized with the consent of the victim, but later on both ladies had fallen apart as such the instant FIR has been instituted. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There are no criminal antecedents of the applicant. The applicant has apprehension of his arrest. Learned counsel for the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

7. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application but unable to dispute the submissions raised by the learned counsel for the applicant.

8. On due consideration to the arguments advanced by learned counsel for the applicant as well as learned A.G.A. and considering the nature of accusations and antecedents of the applicant, the applicant is liable to be enlarged on anticipatory bail in view of the judgment of Supreme Court in the case of "***Sushila Aggarwal Vs. State (NCT of Delhi)***, (2020) 5 SCC 1". The future contingencies regarding the anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

9. In view of the above, the anticipatory bail application of the applicant is allowed. Let the accused-applicant- **Beekesh Tyagi @ Sonu** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial on furnishing a personal and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i). that the applicant shall make himself available for interrogation by a police officer as and when required;
- (ii). that the applicant 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 applicant shall not leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicant shall not tamper

with the evidence during the trial;

(v). that the applicant shall not pressurize/ intimidate the prosecution witness;

(vi). that the applicant 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.

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

**Order Date :- 16.12.2023**

Ravi Kant

**(Krishan Pahal, J.)**