

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 80 of 2022

Applicant :- Suman

Opposite Party :- State Of U.P. Thru.Prin.Secy. Home
Lucknow And Another

Counsel for Applicant :- Rajendra Prasad Mishra

Counsel for Opposite Party :- G.A.,Saurabh Tiwari

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Aditya Mishra holding brief of Sri Rajendra Prasad Mishra, the learned counsel for the applicant and Ms. Parul Kant, the learned AGA for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 388 of 2021, under Sections 498-A, 304-B IPC and Section 3/4 of Dowry Prohibition Act, Police Station Kotwali Dehat, District Gonda.

3. The aforesaid case has been registered on the basis of an FIR lodged on 21.10.2021 against four persons, including the applicant, alleging that the informant's daughter had got married to the co-accused Birbal in the year 2015 and her gauna ceremony was performed in the year 2017; that all the accused persons used to harass her for demanding dowry, she was beaten up and strangled on 16.10.2021 and thereafter she was taken to a nursing home where she died. The post mortem examination report of the deceased mentions a contusion and an abrasion, besides a ligature mark around her neck.

4. In the affidavit filed in support of the bail application it has been stated that the applicant is 28 year's old woman having no criminal history and she has been falsely implicated in the present case.

5. The applicant was granted interim anticipatory bail by means of an order dated 21.01.2022 which was to remain in force till the next date of listing. The matter was listed on several occasions and the interim order was lastly extended on 09.02.2023 but thereafter the case has been listed on several dates but the interim order has not been extended.

6. The State has filed a counter affidavit opposing the

anticipatory bail application and it has inter alia been stated in the counter affidavit that the applicant is not cooperating with the investigation.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the interim order has not been extended after 09.02.2023; a counter affidavit was filed after serving a copy on the learned counsel for the applicant on 15.02.2022 and no rejoinder affidavit has been filed till date and that the averments made in the counter affidavit that the applicant is not cooperating with the investigation remains uncontroverted, I am of the view that the applicant is not entitled to be granted pre arrest bail.

8. The bail application is, accordingly, *rejected*.

Order Date :- 28.11.2023

Pradeep/-