

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 951 of 2023

Applicant :- Abhimanyu Kumar Singh

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

Counsel for Applicant :- Prashant Pandey, Puneet Kumar Pandey

Counsel for Opposite Party :- G.A., Anand Mishra, Brajendra Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Brajendra Singh holding brief of Sri Prashant Pandey, learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.

2. The applicant was granted interim anticipatory bail by means of the following order passed on 21.04.2023:-

"Vakalatnama filed by Shri Brajendra Singh, Advocate on behalf of the opposite party No.2 is taken on record.

Heard learned counsel for the applicant, learned A.G.A. for the State, learned counsel for the opposite party No.2 and perused the record.

The present application under Section 438 of Cr.P.C. has been filed for anticipatory bail in Case Crime/FIR No.50608 of 2022, under Sections 498A, 377 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station PGI, District Lucknow.

Learned counsel for the applicant submitted that opposite party No.2 is a lady, who is aged about 30 years and she was working in the News-18 (Media House) as the applicant was also working with her and she started alluring the applicant, and thereafter, they came in relation and marriage was settled in between them, which was scheduled on 29.11.2021, but due to Covid-19, marriage could not be solemnized and it was solemnized on 18.02.2022 in the presence of family members of both the parties, and thereafter, opposite party No.2 started victimizing by the applicant and his family members and later on, she filed complaint before the Chief Judicial Magistrate, Lucknow under Section 190 Cr.P.C. against the applicant and his family members without giving any complaint to the Police for investigation and without considering the facts mentioned in the complaint as well as statement under Section 200 and 202 Cr.P.C., summoning order was passed. He further submitted that applicant is ready to cooperate in the proceeding of the complaint case. Applicant is having no criminal history. The applicant never misuse the liberty granted by the Investigating Officer, therefore, the anticipatory bail may be granted to him.

Learned counsel for the opposite party No.2 opposes the prayer of applicant and submitted that on the date, which the marriage was solemnized, the applicant did not come with marriage party, and thereafter, under protest, he entered into marriage on 18.02.2022, but he does not dispute the fact that in the year 2021 covid-19 was in the extreme.

Considering the argument of learned counsel for the parties and going through the contents of the bail application, complaint filed by the opposite party No.2, statement recorded under Sections 200 and 202 Cr.P.C. as well as other relevant documents, as it is undisputed that victim is prudent and major lady and working in the News-18 Media House, I am of the view that the applicant is entitled for interim bail.

Till the next date of listing, in the event of arrest of the applicant, namely, Abhimanyu Kumar Singh in the aforesaid case, he shall be released forthwith by the Station House Officer of the police station concerned, on his furnishing personal bond of Rs.50,000/- with the following condition:-

(i) That the accused-applicant shall make themselves available for interrogation by police authorities as and when required and will cooperate with the investigation;

(ii) That the accused-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; and

(iii) That the accused-applicant shall not leave India without the previous permission of the Court.

However, it is directed that the applicant will join and participate in each and every aspect of Investigation and will lend full assistance to the Investigating Agency, even with regard to 'discovery of fact' if and when required so by the Investigating Agency.

List on 29.05.2023 for final disposal.

In the meantime, learned A.G.A. may file counter affidavit."

3. Although the aforesaid order was passed after hearing submissions made by the learned counsel for the opposite party no. 2, the opposite party no. 2 has chose not to file any counter affidavit.

4. The learned AGA has filed a counter affidavit but no new facts have come to light which may persuade this Court to take a view, different from the view taken while passing the aforesaid order, nor the learned A.G.A. has pointed out violation of any of the conditions of interim anticipatory bail committed by the applicant.

5. Application is pending since 27.03.2022.

6. Sub-Section 5 of Section 438 of the Cr.P.C. mandates that the anticipatory bail application has to be decided by this Court within a period of 30 days from the date of filing of such an application.

7. In view of above, the interim order dated 21.04.2023 is made absolute and the anticipatory bail application is **allowed**.

8. In case the applicant has not furnished bail bonds, he may do so within a

period of two weeks from today.

Order Date :- 24.11.2023

Pradeep/-