

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL

APPLICATION U/S 438 CR.P.C. No. - 14106 of 2021

Applicant :- Nadeem Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Rama Shankar Dubey

Counsel for Opposite Party :- G.A., Mohammad Tauseef
Siddiqui

Hon'ble Subhash Vidyarthi, J.

1. Case Called out.

2. Nobody is present to press the application on behalf of the applicant. Sri Puneet Kumar Yadav, the learned State counsel is present.

3. By means of the instant application the applicant seeks anticipatory bail in F.I.R. bearing Case Crime No. 649 of 2021, under Sections 498-A, 323, 504, 506, 354 Ka I.P.C. and Section 3/4 of Dowry Prohibition Act, 1961 and 3/4 of Muslim Women (Protection of rights on marriage) Act, 2019, registered at Police Station Kotwali City, District Pratapgarh.

4. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.08.2021 against six persons, including the applicant, stating that the informant got married to the applicant on 07.06.2020; that all the accused persons used to harass her for demanding dowry and that the applicant had given Tripple Talak to the informant.

5. The applicant was granted interim anticipatory bail by means of an order dated 04.12.2021. The informant has filed a counter affidavit annexing therewith a copy of a questionnaire issued by the Principal Judge, Family Court, stating that after the grant of

anticipatory bail, the applicant is not appearing in a case under Section 125 Cr.P.C. Along with a counter affidavit, an application for vacation of the interim order has also been filed. Although, a copy of the counter affidavit had been served to the learned counsel for the applicant on 09.11.2022, no rejoinder affidavit has been filed by the applicant.

6. On 21.11.2022, when the case had been taken up, no body had appeared on behalf of the applicant to press the application. No body had appeared for the applicant when the case was taken up again on 29.11.2022 and 16.03.2023 and it was recorded in the order dated 16.03.2023 that if the learned counsel for the applicant remains absent on the next date, the anticipatory bail application will be dismissed. Today again nobody is present to press the application.

7. Keeping in view the aforesaid facts, particularly the fact that the informant has alleged non-cooperation of the applicant in an application under Section 125 Cr.P.C; that the applicant is not appearing before this court and from this conduct of the applicant, a reasonable inference can be drawn that upon being granted anticipatory bail, the applicant will not cooperate with the proceedings of the trial.

8. Accordingly, the instant application is **dismissed**.

(Subhash Vidyarthi, J.)

Order Date :- 15.12.2023

Preeti.