

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 1343 of 2022

Applicant :- Akhilesh Chaudhary And 2 Others

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

Counsel for Applicant :- Abhishek Srivastava, Abdul Samad, Jalaj Kumar

Gupta, Mohd. Khalid Amin Khan, Mohemmed Amir Naqvi

Counsel for Opposite Party :- G.A., Parashu Ram Kanaujia

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Jalaj Kumar Gupta, the learned counsel for the applicants as well as Sri Shaunak Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No.382 of 2017, under Sections 304 and 34 I.P.C., registered at Police Station Hasanganj, District Lucknow.

3. The aforesaid case has been registered on the basis of a complaint under Section 156(3) Cr.P.C. filed by the complainant against the applicants stating that the complainant got married on 06.12.2012 with Sharad Chaudhary (since deceased), who was brother of applicant Nos.2 and 3. Accused persons used to harass her for demanding dowry and she was turned out of her matrimonial home on 13.05.2014. The complainant had lodged an FIR bearing 163 of 2014 under Sections 323, 504, 506, 498A, 354, 294 IPC, 3/4 Dowry Prohibition Act.

4. The complainant claims that she had given an application to the Senior Superintendent of Police expressing her apprehension of murder of her husband and she came to know on 25.10.2015 that her husband had died. She alleges that her husband had been killed by the accused persons because of greed of his property.

5. The applicants were granted interim anticipatory bail vide order

dated 06.09.2022.

6. The State has filed a counter affidavit opposing the anticipatory bail application but no new fact has come to light.

Opposite party No.2 has also filed a counter affidavit opposing the application.

7. Learned counsel for the applicants has filed a rejoinder affidavit. Learned counsel for the applicants has submitted that bail bonds have been submitted by the applicants.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that there was a matrimonial dispute the complainant and her husband; that the complainant's husband died and she has expressed mere a suspicion that the applicants had been involved in causing his death and there is no material to prima facie support her suspicion and that the applicants had previously been granted interim anticipatory bail, I am of the view that this application deserves to be allowed in terms of the order dated 06.09.2022.

9. In view of the above, the anticipatory bail application of the applicants is **allowed**.

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(Subhash Vidyarthi, J.)

Order Date :- 6.12.2023
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