

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2218 of 2023

Applicant :- Adarsh Rai

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

Counsel for Applicant :- Nitesh Kumar Mishra, Shikhar Chaube

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shikhar Chaube, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate appearing on behalf of the State and Sri Rupendra Kumar Porwal, learned counsel for the informant 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.384 of 2021, under Sections 498A, 323, 504, 506 I.P.C., 3/4 Dowry Prohibition Act, registered at Police Station Sushant Golf City, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.10.2021 against six persons including the applicant, his father, mother and three sisters, two of whom are residents of U.K. and U.S.A., alleging that informant got married to the applicant on 21.02.2017. Applicant's family members used to treat the informant in cruel manner and following suit, the applicant also started taunting her for bringing less dowry. It is stated that due to an incident that took place at New Delhi on 25.06.2018, the informant was turned out of her matrimonial home at 10 pm.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. Applicant's father and mother, co-accused, Ravindra Nath Rai and Shail Rai, have been granted anticipatory bail by means of the orders

dated 15.09.2023 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 1998 of 2023. Allegations leveled against three sisters of the applicant could not be established during investigation and their names have been expunged by the investigating officer.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that FIR contains allegations of harassment by the family members of the applicant and it alleges that the applicant also started following suit with the other family members and the allegations against three sisters could not be established during investigation, and the other two c-accused persons have been granted anticipatory bail, coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant- Adarsh Rai** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(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 pressurize/ intimidate the prosecution witness;

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(Subhash Vidyarthi, J.)

Order Date :- 10.10.2023
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