

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2233 of 2023

Applicant :- Sachin Shukla

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

Counsel for Applicant :- Ashish Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashish Kumar, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, learned A.G.A.-I appearing on behalf of the State, Sri Shailendra Kumar Tiwari, learned counsel for the informant and perused the record.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.0260 of 2023, under Sections 306 I.P.C. and under Section 3 (2)(v) of S.C./S.T. Act, registered at Police Station-Ramnagar, District-Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.05.2023 alleging that the applicant kept the informant's daughter with him for three months, under allurement of marrying her, but when she pressurized the applicant to marry her, the applicant had beaten her. Due to the aforesaid reason, the informant's daughter consumed poison at about 08:30 AM on 09.05.2023 and she died in a hospital.
4. The post-mortem examination report mentions no anti-mortem injury on the daughter's body.
5. Learned counsel for the informant has opposed the application and he has submitted that the deceased committed suicide because of ill-treatment of the applicant.
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 prima facie there is no

material to indicate abatement for commission of suicide in close proximity of the incident; that the allegation of beating is not supported by the finding of medico-legal examination report and that the applicant has no criminal history, thus, I am of the view that the applicant is held entitled to be released on bail in the aforesaid case.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Sachin Shukla** 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;

In default of any of the conditions mentioned above or it is found that applicant has obtained this order concealing any material facts, the Investigating Officer shall be at liberty to file appropriate application for vacation of this order.

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[Subhash Vidyarthi, J.]

Order Date :- 12.10.2023

-Amit K-