

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2227 of 2023

Applicant :- Budhana

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

Counsel for Applicant :- O.P. Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri O.P. Tiwari, the learned counsel for the applicant as well as Sri Sartaj Ali Ansari, the learned State counsel and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in an FIR bearing Case Crime No. 180 of 2022, under Sections 366, 342, 328, 302, 201, 506, 120-B IPC, Police Station Sohramau, District Unnao.
3. The aforesaid case has been registered on the basis of an FIR lodged on 16.08.2022 against 7 persons, including the applicant, in furtherance of an application under Section 156(3) Cr.P.C. filed on 12.07.2022, alleging that co-accused Manish used to tease the informant for the past three years and he and other accused persons forcibly abducted the informant on 01.03.2021, kept her hostage in a cattle shed in their home and co-accused persons Manish, Ashish and Suresh raped her. The informant got pregnant and on 20.09.2021, a marriage declaration deed was executed and the informant was forcibly made a sign on it. The informant delivered a female child, who was killed by the accused persons.
4. In the affidavit filed in support of the application, it has been contended that the applicant is innocent, he has falsely been implicated in the present case merely because she is *Bua* of co-accused Manish, to whom the informant had married.
5. In the statement of the informant recorded under Section 164 Cr.P.C., no specific allegation has been levelled against the applicant.
6. After investigation, the Investigating Officer has submitted a final report but after a protest application was filed, the applicant has been summoned.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the victim has not levelled any specific allegation against the applicant in her statement recorded by the Magistrate and the Investigating Officer had not found allegations to be true and that the applicant is a woman having no criminal history, I am of the view that the applicant is entitled to be granted anticipatory bail in the present case.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Budhana** before the learned Trial Court in the aforesaid complaint case, she shall be released on anticipatory bail on her 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.

Order Date :- 12.10.2023

Pradeep/-