

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2304 of 2023

Applicant :- Rajendra Prasad @ Rajendra Prasad Gaud

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

Counsel for Applicant :- Sheeran Mohiuddin Alavi, Harsh Vardhan Kediya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Harsh Vardhan Kediya, the learned counsel for the applicant as well as the learned Additional Government Advocate appearing on behalf of the State 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.317 of 2020 under Sections 498A, 304B, 316 IPC, 3/4 Dowry Prohibition Act, Police Station Para, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 06.07.2020 against the applicant, his wife and daughter alleging that the informant had got his daughter married to the applicant's son on 01.01.2017; accused persons used to harass her for demanding dowry and on 05.07.2020, they informed about the death of the informant's daughter.

4. Inquest report mentions that the applicant had told that the deceased had died after suffering from pain in her neck. It is also recorded in the inquest report that the deceased was 7 months pregnant.

5. Post mortem examination report mentions a transverse ligature mark present all around the neck, and a contusion of size 8 cm x 7 cm on left side of head. Cause of death has been opined to be ante mortem strangulation.

6. The applicant had previously filed a Writ Petition No.11027 (MB)

of 2020 and his arrest was stayed by means of the order dated 27.07.2020, which was to remain enforced till filing of a report under Section 173(2) Cr.P.C. The charge-sheet was submitted on 17.09.2020 and the interim protection granted to the applicant by means of the order dated 27.07.2020, ceased to remain in force.

7. Learned counsel for the applicant has submitted that the applicant has cooperated with the investigation and, therefore, he is entitled to be granted anticipatory bail.

8. The trial court had passed an order dated 15.01.2021 summoning the applicant and, thereafter, non bailable warrant has been issued against him but still he has not appeared before the trial court. He has approached for grant of pre-arrest bail in the year 2023 only.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant's daughter-in-law died in his house due to strangulation whereas he stated at the time of inquest that she died after suffering pain in her neck; that besides a ligature mark, the deceased has suffered a contusion on her head also; that the deceased was pregnant; that the interim protection granted to the applicant ceased to remain in force upon submission of charge-sheet on 17.09.2020, the applicant was summoned by means of the order dated 15.01.2021 but he has not appeared before the trial court even after expiry of the period of more than 2 years and 9 months, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on anticipatory bail.

10. In view of the above, the anticipatory bail application of the applicant is **rejected**.

Order Date :- 18.10.2023

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