

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2318 of 2023

Applicant :- Balkrishna Vishwkarma

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

Counsel for Applicant :- Manoj Kumar Gupta,Achyutanand
Pathak

Counsel for Opposite Party :- G.A.,Shashank Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manoj Kumar Gupta, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned Additional Government Advocate-I appearing on behalf of the State, Sri Shashank Singh, the 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.57 of 2022, under Sections 498-A, 323, 313, 325, 406, 354, 504, 506 IPC and 3/4 D.P. Act, Police Station Mahila Thana, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.05.2022 against four persons, including the the applicant, stating that the informant had got married to the applicant's son-co-accused Prince on 07.05.2017; that all the accused used to harass her for demanding dowry, they had beaten her on 21.08.2018 and had sent her to her parent's home but a settlement was entered into at the police station and the accused persons had agreed to let the informant live properly in her matrimonial home.

4. The informant suffered miscarriage on three occasions because of beating by the accused persons. She was beaten up on 27.04.2021 and 28.04.2021 but again a settlement was entered into on 28.04.2021. The accused persons turned the informant out of her matrimonial home on 29.04.2021 and since than she is residing at her parent's home.

5. The FIR levels certain further allegations also. In the affidavit filed in support of the application, it has been stated that the applicant is 69 year's old person having no criminal history.

6. The learned counsel for the informant has vehemently opposed the applicant and he has submitted that the applicant is an advocate and he is exerting pressure on the Investigating Officer and under his influence the Investigating Officer has not submitted charge sheet till date.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that as per the FIR there is a matrimonial dispute between the informant and applicants's son-co-accused Prince due to which the informant is residing at her parent's home since 29.04.2021; the FIR has been lodged on 05.05.2022 and the applicant is 69 year's old father-in-law of the informant who 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 during pendency of the trial.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Balkrishna Vishwkarma** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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.

Order Date :- 19.10.2023

Pradeep/-