

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2283 of 2023

Applicant :- Ravindra Nath Mishra @Ravindra Nath @ Nathu Lal And Another

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

Counsel for Applicant :- Devendra Pratap, Shashank Shekhar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shashank Shekhar Singh, the learned counsel for the applicants as well as Sri Anant Pratap Singh, 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.0032 of 2023, under Sections 498-A, 306 I.P.C., registered at Police Station Biswan, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.01.2023 against the applicant, her husband and her grand son stating that the informant's daughter got married to the applicants' grand son about seven years ago. The parents of the co-accused Sudhir Kumar Mishra, applicants' grand son, had died earlier; that the accused persons used to harass the informant's daughter for demanding dowry and she died on 13.01.2023.

4. The postmortem examination report of the dead body mentions an oblique ligature mark around her neck with a gap of 6.5 cm. and no other injury has been reported and the cause

of death has been opined to be asphyxia due to ante mortem hanging. The applicants were granted anticipatory bail by means of order dated 05.04.2023, passed by this court in Anticipatory Bail Application No.811 of 2023 but that was to remain effective only till the filing of the police report under Section 173 (2) Cr.P.C. The police report has been submitted.

5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicants are innocent, they have no criminal history and they have falsely been implicated in the present case.

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 the applicants are 70 and 65 years old persons having no criminal history and earlier they were granted anticipatory bail by this court; that the co-accused Sudhir Kumar Mishra has already been granted bail by means of an order dated 28.03.2023, passed by this court in Criminal Misc. Bail Application No.4201 of 2023 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 applicants 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 **applicants-Ravindra Nath Mishra @ Nathu Lal & Tara Devi** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial on their 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 applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants 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 applicants shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023
Ram.