

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION
U/S 438 CR.P.C. No. - 2395 of 2023

Applicant :- Irfan Manihar @ Irfan

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

Counsel for Applicant :- Aashish Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Aashish Srivastava, the learned counsel for the applicant as well as Sri Arpit Kumar, 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.139 of 2021, under Sections 304B I.P.C., 3/4 Dowry Prohibition Act, registered at Police Station Tulsipur, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.07.2021 under Sections 498A, 307, 506 IPC, 3/4 Dowry Prohibition Act, against the applicant and five of his family members, stating that the informant had got her daughter married about two years ago; that the accused persons used to harass for demanding dowry and they forcibly administered phenol to her in the night of 20.01.2021. Thereafter, she was taken to hospital on the condition that she would have to admit that he has consumed phenol herself. They dropped the informant's daughter to the informant's house on 04.05.2021. She was treated in various hospitals and ultimately she was referred to the Medical College, Bahraich. The victim died on 11.10.2021.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that initially the applicant was granted bail in the present case under Sections 306 and 498A IPC by means of the order dated 14.02.2022 passed by this Court in Criminal Misc Bail Application No.1284 of 2022. Subsequently, the Court took cognizance of the offence under Sections 304B IPC, 3/4 Dowry Prohibition Act.

5. The applicant, apprehending arrested under the added sections, has approached this Court seeking anticipatory bail.

6. Learned counsel for the applicant has submitted that although the FIR was lodged on 01.07.2021 and the victim died on 11.10.2021, the investigating officer did not record her statement and he merely obtained a copy of the victim's statement recorded by Mumbai Police earlier, wherein she had stated that she had herself consumed acid and that she had no complaint or grievance against any person.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has already been granted bail in the present case and he is now apprehending his arrest in added sections after the court has taken cognizance, on the basis of similar set of facts, coupled with the fact that the applicant 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 under the

added sections.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant**-Irfan Manihar @ Irfan before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his personal bond and two solvent sureties, submitted in furtherance of the order dated 14.02.2022.

(Subhash Vidyarthi, J.)

Order Date :- 28.10.2023
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