

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2449 of 2023

Applicant :- Ram Milan And Another

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

Counsel for Applicant :- Shailendra Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shailendra Kumar Tiwari, the learned counsel for the applicants as well as Sri Rakesh Kumar 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 applicants seeking anticipatory bail in Complaint No.6874 of 2022, under Sections 498A, 304B I.P.C., 3/4 Dowry Prohibition Act registered at Police Station Kothi, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.10.2019 against the applicants and their son, Shiv Ram in furtherance of an application under Section 156(3) Cr.P.C. stating that the informant had got his daughter married to the applicants' son and co-accused Shiv Ram on 04.06.2017; that the accused persons used to harass her for demanding dowry and they had turned his daughter out her matrimonial home about 20 days ago. About 10 days thereafter, she was sent to her matrimonial home after a settlement between the parties. On 05.07.2019, informant's daughter had called her telepathically and complaint that she had been beaten and she had requested him to take her with him. The informant received the information of death of her daughter by snake bite.

4. After investigation a final report has been submitted on 20.11.2019. After further investigation, again a final report was submitted. Upon

protest application having been filed by the informant, protest application has been treated as a complaint and the applicants have been summoned to face trial.

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 years and 61 years old persons having no criminal history and after repetitive investigation, allegations leveled against them could not be established, 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.

8. In view of the above, the anticipatory bail application of the applicants is allowed. In the event of arrest/ appearance of **applicants-Ram Milan and Shrimati @ Sukh Dei** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail 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 :- 1.11.2023
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