

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2512 of 2023

Applicant :- Rahisha

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

Counsel for Applicant :- Brij Bhushan Singh,Pranjal
Apurva,Sandeep Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Brij Bhushan Singh, learned counsel for the applicant, Sri Anant Pratap Singh, learned Additional Government Advocate and perused the record.
2. By means of the instant application, the applicant seeks anticipatory bail in Case Crime No. 53 of 2023, under sections 498-A, 304-B IPC, and section 3/4, Dowry Prohibition Act, P.S. Baundi, District Bahraich.
3. The aforesaid case has been registered on the basis of a First Information Report registered on 03.03.2023 at 18.14 hrs. against the applicant, her husband and two sons, stating that the informant had got his sister married to the applicant's son/co-accused Mohd. Sahjal on 15.05.2022; that all the accused persons used to harass the informant's sister for demand of dowry and on 03.03.2023 the informant got an information at about 12.00 noon that his sister had died.
4. The postmortem report of the dead-body mentions the only injury on her body to be a non-continuous ligature mark on her neck, with a gap of 3.5 Cm., left side back of neck and the cause of death has been opined to be Asphyxia due to antemortem hanging.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, and she has been falsely implicated in the present case. It has further been stated in the affidavit that the intimation of the incident was given to the informant's family by the applicant's son himself.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR contains general allegations against all the accused persons, the

applicant's husband has already been granted bail in the present case and the applicant is a women having no criminal history, without making any observation, which may affect the merits 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.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of **applicant-Rahisha** before the learned Trial Court in the aforesaid complaint case, she shall be released on anticipatory bail on her 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 her 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 :- 7.11.2023

Renu/-