

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438

CR.P.C. No. - 2571 of 2023

Applicant :- Utkarsh Mishra

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

Counsel for Applicant :- Rishi Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rishi Kumar Pandey, the learned counsel for the applicant as well as Sri Anurag Verma, learned A.G.A-I 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. 432 of 2022, under Sections 306 I.P.C., registered at Police Station Aliganj, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.12.2022 alleging that the informant's daughter had committed suicide after writing a note that she was committing suicide because of harassment by the informant.
4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and he has no criminal history.
5. A copy of several conversations between the deceased and the applicant that took place in close proximity of the incident, have been annexed with the affidavit filed in support of the anticipatory bail application, a perusal whereof prima facie indicates that there was no incitement for commission of suicide by the applicant.
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 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.

8. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Utkarsh Mishra** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail 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;

(Subhash Vidyarthi, J.)

Order Date :- 8.11.2023

Preeti.