

**Court No. - 16**

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

CR.P.C. No. - 2627 of 2023

**Applicant :-** Om Nath Sharma

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home Lko. And Others

**Counsel for Applicant :-** Sri Shailendra Srivastava

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Shailendra Srivastava,, learned counsel for the applicant as well as Sri Jayant Singh Tomar, learned A.G.A.-I for the State and perused the record.
2. The instant bail application has been filed seeking anticipatory bail in case crime No. 527 of 2023, under Sections 323, 427, 506, 376 I.P.C, registered at Police Station Madiyaon, District Lucknow.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 02.10.2023 by the wife of the applicant's elder brother stating that her husband does not keep good health; the applicant's used to keep an evil eye against her since inception and he used to rape her of and on.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant has never forced or insisted the complainant for the physical relations between them and their physical relationship was completely consensual.
5. Keeping in view the applicant's own admission regarding his conduct of making physical relation with the wife of his own elder brother, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by granting pre-arrest bail to the applicant.
7. The bail application stands **rejected** accordingly.

.

**(Subhash Vidyarthi,J.)**

**Order Date :-** 9.11.2023

Preeti.