

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2608 of 2023

Applicant :- Vijay Kumar Mishra

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

Counsel for Applicant :- Subhash Chandra Yadav, Dinesh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Subhash Chandra Yadav, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, 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. 469 of 2022, under Sections 366, 368, 354, 506 IPC, Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.07.2022 against two persons, not including the applicant, and an unknown person, alleging that the informant had developed relationship with named co-accused Abhilash Chaudhary and he deceitfully and forcibly took her to his house on Ghaziabad. Mother of co-accused Abhilash asked him to drop the informant back to Lucknow but Abhilash took her to the house of his Mama-the applicant Vijay Kumar. She alleged that the applicant had threatened to marry her but the applicant booked a train ticket and sent the informant back to Lucknow.

4. In the affidavit filed in support of the application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.

5. It has further been stated that the applicant's wife-co-accused Madhvi Mishra has been granted anticipatory bail in the present case by means of an order dated 16.10.2023 passed by the Special Judge, CBI-IV, Lucknow. The co-accused Renu Chaudhary (applicant's sister) has also been granted anticipatory bail by means of an order dated 08.11.2023 passed by this Court on 08.11.2023 in Criminal Misc. Anticipatory Bail

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, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant during pendency of the trial.

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

Order Date :- 9.11.2023

Pradeep/-