

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2686 of 2023

Applicant :- Arvind Kumar Tiwari

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

Counsel for Applicant :- Dhirendra Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dhirendra Kumar Mishra, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-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. 340 of 2023, under Sections 406, 376, 323, 506 IPC, Police Station Indira Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.09.2023 alleging that the informant used to work in an organization since 2021 and the applicant also used to work in the same company. They developed close relationship and the applicant borrowed Rs. 5 lakh on various dates between 2021-2023 from the informant. On 03.09.2023, the applicant called the informant to his house on the pretext of refunding the borrowed money. There the applicant offered some noxious drink to the informant and thereafter he made physical relations with her against her wishes and prepare a obscene video. The applicant is threatening to spread the video virally.
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 had borrowed some money from the informant and he has refunded Rs. 1.58 lakh through account transfer. Some other documents annexed with the affidavit indicate that the informant and the applicant were in an affectionate relationship. Prima facie it appears that the FIR has been lodged after their relationship turned sour.

6. The learned A.G.A. has opposed the application and he has submitted that the applicant is guilty of betraying the trust of a person, with whom he was in friendship.

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 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-***Arvind Kumar Tiwari*** 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 :- 23.11.2023

Pradeep/-