

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2781 of 2023

Applicant :- Abhinav Singh

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

Counsel for Applicant :- Murli Manohar Srivastava, Kushagra
Tiwari, Upmanyu Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Murli Manohar Srivastava, 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. 194 of 2023, under Sections 468-A, 377, 406, 420, 328, 323 I.P.C. and Section 3/4 of Dowry Prohibition Act, registered at Police Station Aliganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.07.2023 against the applicant and his parents stating that the informant got married to the applicant in Arya Samaj Mandir on 04.10.2015 and the marriage was registered on 06.10.2015. The formal ceremonies related to the marriage were performed on 12.12.2015 and her family members had spent a huge amount in the wedding. After the wedding the valuable gifts and jewellery etc. were kept by the applicant's mother. On 15.12.2015, the informant had gone to Australia with the applicant where he used to ill treat her. On 01.10.2017, the applicant delivered a baby girl. After giving birth to a daughter, the informant was harassed and forced to

live with her parents. On 07.05.2018, her father took the informant to Australia and after helping in resolution of their disputes by staying with them for 15 days he returned to India. Being aggrieved by the continuous ill treatment, the informant returned to India on 04.11.2018. The applicant also returned to India on 07.07.2021 and on 03.09.2021, all the accused persons tried to kill her.

4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent, he has been implicated by the informant because of some matrimonial disputes and he has no criminal history.

5. The learned A.G.A. has opposed the bail application but on the basis of instructions provided to him he has submitted that the allegation of commission of offences under Sections 328 and 377 I.P.C could not be established during investigation and a charge sheet has already been submitted against the accused persons on 15.11.2023.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that there appears to be a matrimonial dispute between the parties; that some serious allegations leveled by the informant against the applicant could not be established during investigation and the investigation already stands concluded and a charge sheet has been submitted for offences which carry a maximum punishment of imprisonment upto 7 years and that the applicant has no criminal history, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of

applicant- **Abhinav Singh** 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 :- 5.12.2023

Preeti.