

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2869 of 2023

Applicant :- Ayush Kumar Singh

Opposite Party :- State Of U.P Thru. Addil. Chief Secy. Home
Deptt. Govt. Civil Sectr. Lko.

Counsel for Applicant :- Anurag Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anurag Kumar Singh, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, 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. 450 of 2023, under Section 306 IPC, Police Station Ashiana, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.10.2023 against two named persons, including the applicant and some unknown students of a college stating that the informant's daughter aged about 17 years was studying in that college and the students studying with her and other persons used to exploit her mentally and harass her physically and they were blackmailing her. The informant's daughter committed suicide by hanging in the night of 02.09.2023 after leaving a suicide note.

4. In the affidavit filed in support of the application it has been contended that the applicant 20 years old innocent person, he is a student of BA second year and he has no criminal history.

6. The learned A.G.A. has opposed the anticipatory bail application and he has produced the relevant extract of case diary for perusal of the Court, wherein the script of suicide has been reproduced. The suicide note does not make a mention of the applicant's name. Although it is recorded in the case diary that six threatening messages were sent by the applicant to the deceased recognized in the case diary, those messages have not been produced for perusal of the Court.

7. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that the deceased committed suicide on 02.09.2023 and the FIR has been lodged on 23.10.2023 i.e. about 50 days after the incident; the deceased has not named the applicant in the suicide note left by her and that the applicant is 20 years young man having no criminal history 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-***Ayush Kumar Singh*** 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 :- 14.12.2023

Pradeep/-