

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2951 of 2023

Applicant :- Aditya Yadav

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home,
Lucknow And Another

Counsel for Applicant :- Arun Sinha,Vineesh Bhalla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Arun Sinha, the learned counsel for the applicant as well as Sri Arpit Kumar, 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. 517 of 2023, under Sections 376, 313, 504, 506 I.P.C., & Section 3 (2) V SC/ST Act, registered at Police Station Goshaiganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 30.11.2023 against the applicant and his mother Manju Devi, alleging that the informant was in a love relationship with the applicant for the past seven year and the applicants made physical relations with her on several occasions under an allurement of marrying her. The informant got married to some other person but allegedly, on the persuasion of the applicant she got her marriage dissolved. The applicant made physical relations with the informant, due to which she got pregnant but on 23.10.2023 the applicant made her consume some medicine with fruit juice due to which she suffered mis-carriage on 31.10.2023. Thereafter, the informant asked the applicant to marry her but he declined and said that he will marry some other girl.

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

5. The applicant's mother/co-accused Manju Devi has been granted anticipatory bail on 18.12.2023 in Criminal Misc. Anticipatory Bail Application No. 2913 of 2023.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that even as per the FIR averments the informant was in a love relationship with the applicant for seven years and during this period she married some other person and thereafter got herself divorced, which fact is disputed by the applicant saying that the informant has not obtained a decree of divorce from the competent Court and that her marriage with some other person is still substantial, there can be no occasion for the applicant to marry her; that the allegations of mis-carriage is not supported by the finding of any medical examination report; that the other co-accused person Manju Devi has already been granted anticipatory bail, 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 applicant is **allowed**. In the event of arrest/ appearance of **applicant- Aditya Yadav** 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;

8. In default of any of the conditions mentioned above or it is found that applicant has obtained this order concealing any material facts, the Investigating Officer shall be at liberty to file appropriate application for vacation of this order.

Order Date :- 19.12.2023

Vipul