

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15005 of 2023

Applicant :- Parikshit Singh

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

Counsel for Applicant :- Amrit Kumar Tiwari, Ayodhya Prasad Mishra A.P. Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ayodhya Prasad Mishra, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned A.G.A. for the State as well as Sri Amar Singh, the learned counsel for the informant and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 719 of 2023, under Section 498-A, 323, 377, 506, 406 I.P.C. and Section 3/4 of Dowry Prohibition Act, registered at Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 21.06.2023 against the applicant, his mother, uncle, aunt and cousin, stating that the informant got married to the applicant on 13.12.2022; that the applicant forcibly had unnatural sex with the informant and when she complained about it to the applicant's mother, uncle and aunt, they took the applicant's side. The informant was beaten up and turned out to the matrimonial home on 30.05.2023 but the applicant continued to talk to her on phone and he was ashamed for his conduct and wanted to resolved their disputes. On 03.06.2023, when the informant was alone in her parents home, the applicant went there with his cousin and offered her some

prasad, after consuming which started vomiting and thereafter the applicant and his cousin had beaten her.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case because of a matrimonial dispute between the parties and he has no criminal history.

5. A supplementary affidavit has been filed on behalf of the applicant annexing there with a copy the medico legal examination of the informant that was conducted on 23.06.2023 and no finding is recorded in this report which may support the allegations levelled by the informant.

6. The learned A.G.A. and the learned counsel of the informant have opposed the prayer of the bail and the learned A.G.A has submitted on the basis of instructions that it has come to light during investigation that the applicant had been treated in the district hospital for vomiting and abdominal pain on 03.06.2023.

7. After investigation, the police has submitted a charge sheet against the applicant and his mother- Dayawanti on 23.11.2023 and the allegations levelled against the other three co-accused persons could not be established.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant was living away from her matrimonial home since 30.05.2023; that she claims that the applicant and co-accused Abhay Pratap Singh had made her consume some poisonous substance on 03.06.2023 and she was treated in the district hospital on 03.06.2023 for abdominal pain and vomiting but the informant did not lodged any complaint promptly and the F.I.R has been lodged 18 days after the incident; that the allegations levelled are not supported by the finding of the medico legal

examination conducted on 23.06.2023; that the investigation already stands completed but the allegations against three co-accused persons, including the Abhay Pratap Singh could not be established during investigation and there is no need for the custodial interrogation of the applicant and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

9. Accordingly, this bail application stands **allowed**.

10. Let the applicant- **Parikshit Singh** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 19.12.2023

Preeti.