

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2967 of 2023

Applicant :- Ashish Dua

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Civil
Secrt. Lko. And Another

Counsel for Applicant :- Amarjeet Singh Rakhra, Bashisth
Muni Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Amarjeet Singh Rakhra, the learned counsel for the applicant as well as Sri Anant Pratap 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. 0098 of 2023, under Sections 498-A, 323, 354, 377, 511, 504 & 506 IPC, Police Station Mahila Thana, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.09.2023 against the applicant, his younger brother and mother, by the applicant's wife stating that she got married to the applicant on 28.01.2012, she has a daughter aged about 10 years and a son aged about 8 years, she was ill-treated continuously and she left her matrimonial home and started living on his father's house since 04.08.2023.
4. The applicant had tried to kill the informant with a knife but her daughter saved her.
5. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has falsely been implicated in the present case. The applicant's involvement in Case Crime No. 236 of 2022, under Sections 323, 506 IPC has been disclosed in para 42 of the affidavit.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant is the applicant's wife and she has lodged the FIR 12 years after her

marriage and more than 1-1/2 month's after she left her matrimonial home, there is no medical report to support the allegations levelled in the FIR 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-***Ashish Dua*** 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 :- 20.12.2023

Pradeep/-