

# Shivkanti And 2 Others vs State Of U.P. on 5 April, 2025

**Author: Deepak Verma**

**Bench: Deepak Verma**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:48241

Court No. - 67

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 2565 of 2025

Applicant :- Shivkanti And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Anupama Tripathi, Rakesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The instant anticipatory bail application has been moved by the applicant for enlarging him on bail in Case Crime No.550 of 2024, under Section 108, 115(2) B.N.S., 2023, Police Station Ghatamour, District Kanpur Dehat (Ramabai Nagar).
3. It is submitted by learned counsel for the applicants that applicants are innocent and have been falsely implicated in the present case due to ulterior motive. Instant FIR has been registered about 15 days of the incident with malice intention. Allegation in the FIR is that the applicant no.1 is the wife of the deceased, applicant no.2 is father-in-law and applicant no.3 is brother-in-law of the deceased. It is alleged in the FIR that the applicant no.1 and son of the informant were solemnized

love marriage on 27.05.2021. Thereafter, applicants were pressurizing the deceased (son of informant) to give Rs.90,000/- but when the deceased could not provide money to applicants, then they pressurizing and mentally torturing the deceased. After two years of marriage, applicant no.1 left her in-laws house and went to her parents house. On 11.10.2024, deceased committed suicide. A suicide note was recovered besides the dead body. Applicant no.1, who is wife of the deceased has not pressurized the deceased to give Rs.90,000/-. Applicants were not mentally tortured the deceased. All allegations in the FIR are false and baseless and not supported by any evidence. Learned counsel for the applicants next submitted that the applicant no.1, who is wife of the deceased has not initiated any domestic violence proceeding against the deceased. It is submitted that the applicants are apprehensive of imminent arrest. In case, the applicants are released on bail, they would not misuse the liberty of bail and would cooperate with the investigation.

4. Learned A.G.A. has vehemently opposed the prayer for bail and has submitted that a suicide note has been recovered besides the dead body and allegation levelled against the applicants indicates that the applicants abetted the deceased to commit suicide. The applicants are not entitled for any indulgence by this Court. Hence, the anticipatory bail application of the applicants may be rejected.

5. The object of Section 482 B.N.S. is that a person should not be unnecessarily harassed or humiliated in order to satisfy personal vendetta or grudge of complainant or any other person operating the things directly or from behind the curtains.

6. It is well settled that discretionary power conferred by the legislature on this Court cannot be put in a straitjacket formula but such discretionary power either grant or refusal of anticipatory bail has to be exercised carefully in appropriate cases with circumspection on the basis of the available material after evaluating the facts of the particular case and considering other relevant factors (nature and gravity of accusation, role attributed to accused, conduct of accused, criminal antecedents, possibility of the applicant to flee from justice, apprehension of tempering of the witnesses or threat to the complainant, impact of grant of anticipatory bail in investigation or society etc.) with meticulous precision maintaining balance between the conflicting interest, namely, sanctity of individual liberty and interest of society.

7. Considered the arguments of both the parties. From the record, it is admitted case that the applicant no.1 is wife of the deceased and marriage was solemnized three years before and a suicide note has been recovered besides the dead body of the deceased, which implicate the applicants in the present case. No interference is warranted. Without expressing any opinion on merits of the case and considering the submissions advanced, the nature and gravity of the accusation, I find no good ground for anticipatory bail to the applicant in the aforesaid case.

8. Accordingly, the anticipatory bail application of the applicants- Shivkanti, Ram Das & Mohit, involved in aforesaid case crime is, hereby, rejected.

Order Date :- 5.4.2025 SKD