

ABA No.235 of 2022

Hon'ble Ravindra Maithani, J.

Mr. Shiv Pandey, Advocate for the applicants.

Mr. Lalit Miglani, A.G.A. for the State.

Applicants seek anticipatory bail in FIR No.0155 of 2022, under Sections 323, 504, 498-A IPC and Section 3 & 4 of the Dowry Prohibition Act, 1961, Police Station Mukhani, District- Nainital.

Heard learned counsel for the parties and perused the record.

According to the FIR, the informant and the co-accused Abhishek Pathak were married on 03.12.2019. They both stayed at Bangalore where the co-accused as well as the informant were on job. The FIR reveals that the informant was harassed in Bangalore. Her mother-in-law was also staying there. The FIR is quite in detail. It also reveals that the applicant no.1, Sruti Pathak, who is the sister-in-law of the informant, also misbehaved with the informant, who stays in Delhi. The other averment is that finally the informant returned to her father's house. The applicant no.2 is the mother in law of the informant.

It is argued by learned counsel for the applicants that it is a matrimonial discord; the applicant no.1 has never stayed with the informant and the applicant no.2 is the mother in law of the informant.

Issue notice to the respondent no.2/informant returnable within four weeks.

Steps to be taken within a week.

List this matter on 01.11.2022.

Having considered the submissions, as an interim measure, till the next date of listing, in the eventuality of arrest, the applicants shall be released on bail subject to their furnishing personal bond to the satisfaction of the arresting officer, subject to the following:-

(i) The applicants shall not approach in any manner, whatsoever, the victim or any other witness in the case.

(ii) They shall cooperate with the investigation.

(iii) They shall not leave the country without prior permission of the concerned court.

(iv) They shall deposit their passport with the Investigating Officer ("IO"). The passport may only be returned by the order of the court concerned. In case the applicants do not have passport, they shall give an undertaking to that effect to the IO.

(v) The applicants shall also give an undertaking on (i), (ii) & (iii) above.

(Ravindra Maithani J.)

09.09.2022