



2026:AHC-LKO:41589

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 424 of 2026**

Vaibhav Upadhyay

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Home Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Pawan Kumar Pandey, Priya Singh
Counsel for Opposite Party(s)	: G.A., Mohd. Islam Khan, Sabir Ali

Court No. - 11

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Pawan Kumar Pandey, the learned counsel for the applicant as well as Sri Rajesh Kumar Pathak, the learned State Counsel, Sri Mohd. Islam Khan, the learned counsel for the complainant 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. 55/2023, 498-A, 323, 342, 406, 504, 506 IPC & 3/4 D.P. Act, Police Station Mahila Thana, District Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.05.2023 against 9 persons, including the applicant and his family members, stating that the complainant got married to the applicant on 28.11.2021. All the accused persons used to harass her for demanding dowry. The accused persons had put the complainant at Allahabad for attending coaching classes against her wishes. When the complainant objected and stated that she can make better preparation while staying at her matrimonial home, the accused persons asked her to get the amount of coaching fee from her family members. It is alleged in the FIR that negotiations were held between the parties for settlement of their dispute in a marriage hall on 14.05.2023 during which the accused persons abused and threatened the persons from the complainant's side and left the meeting and they snatched away her streedhan.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has falsely been implicated in the present case and he has no criminal history except an FIR bearing Case Crime No. 0134/2023, under Sections 147, 148, 498-A, 307, 504, 323, 324, 325, 354-Kha & 506 IPC at Police Station Jalalpur, District Ambedkar Nagar lodged by the complainant's brother.

5. The accused persons had filed an application under Section 482 Cr.P.C. No. 11972 of 2023 wherein the matter was referred to the Mediation and Conciliation Centre of this Court by means of an order dated 08.12.2023 and the proceedings were stayed. After the mediation failed, a Coordinate Bench of this Court has passed an order dated 29.04.2026 whereby an interim relief has been granted to all the other accused persons, except for the applicant. The application in respect of the applicant was dismissed and he was granted liberty to file a bail application.

6. The learned counsel for the complainant has raised a preliminary objection that although the applicant was granted liberty to file an application seeking his release on bail, he has filed an application for anticipatory bail, therefore, it is liable to be dismissed.

7. When the Court granted the applicant liberty to file a bail application, it does not mean that his statutory right to file a pre-arrest bail application was taken away. Therefore, the mere liberty to file a bail application, would not affect the petitioner's right to file a pre-arrest bail application.

8. The learned State Counsel has opposed the prayer for bail and he has submitted that the allegations have been established during investigation and a charge sheet has been submitted on 05.10.2023.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the nature of allegations levelled in the FIR which prima facie indicate that the FIR has been lodged because of matrimonial bickerings between the parties; that the FIR levels similar allegations against all the accused persons and a Coordinate Bench of this Court has stayed the arrest of all the accused persons in a petition filed under Section 482 Cr.P.C. 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.

10. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Vaibhav Upadhyay** before the learned Trial Court in the aforesaid case crime, he shall be released on 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 make himself available for interrogation by a police officer as and when required;
- (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 leave India without the previous permission of the court'
- (iv) that the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted; and
- (v). that the applicant shall not pressurize/ intimidate the prosecution witness.

(Subhash Vidyarthi,J.)

June 19, 2026

Pradeep/-