



2026:AHC-LKO:40684

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 224 of 2026**

Pawan Kumar

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nijam Ahamad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed on behalf of the applicant seeking anticipatory bail in F.I.R. No. 161 of 2022, under Sections 498-A, 304-B I.P.C. & Section 3/4 D.P. Act, Police Station Baskhari, District Ambedkar Nagar.
3. Learned counsel for the applicant submits that this Court has granted ad-interim anticipatory bail by passing a detailed order dated 18.3.2026 after hearing learned counsel for the parties by taking into consideration the judgment of Hon'ble Supreme Court in the case of **Musheer Alam Vs. State of U.P. & Anr. [2025 SCC Online SC 116]**. He further submits that applicant never misused the liberty of anticipatory bail, therefore, order dated 18.3.2026 may be confirmed.

The order dated 18.3.2026 passed by this Court reads as under :-

- "1. Heard learned counsel for the applicants, the learned AGA for the State and perused the record.
2. The present anticipatory bail application has been filed by the applicant in relation to FIR/Case Crime No.161 of 2022, under Sections- 498A, 304B I.P.C. and 3/4 of Dowry Prohibition Act, Police Station- Baskhari, District- Ambedkar Nagar.
3. For the purposes of entertaining the present application and protecting the interest of the applicant, this

Court considered the facts as indicated including that:-

- (i) The applicant is innocent and has no criminal antecedents.
- (ii) The applicant is brother-in-law (Devar) of deceased.
- (iii) The marriage of the deceased was solemnized with Indresh (real brother of the applicant) on 25.04.2016.
- (iv) On 28.05.2022, the deceased died and thereafter, post-mortem was conducted, and the autopsy surgeon after due medical examination opined that the cause of death is 'Asphyxia' as a result of 'Ante-mortem Strangulation'.
- (v) The deceased was residing separately with her husband and was not living with the applicant.
- (vi) The applicant has been falsely implicated by making vague and bald allegations against him and also allegation regarding demand of dowry and committing cruelty against the deceased for non-fulfillment of said demand.
- (vii) After completion of investigation and based upon the evidence collected during investigation, the Investigating Officer (in short I.O) submitted a charge-sheet only against the husband of the deceased and exonerated the present applicant.
- (viii) Based upon the evidence adduced before the trial court and an application under Section 319 Cr.P.C. was preferred.
- (ix) The trial court on the said application passed an order dated 20.07.2024, whereby summoned the present applicant to face trial for offences under Sections 498-A and 304-B IPC and Sections 3/4 of the Dowry Prohibition Act.
- (x) The summoning order was challenged before this Court by filing an Application U/S 482 No. 8236 of 2024, which has been rejected by this Court vide order dated 17.09.2024.
- (xi) After the above, the present application seeking anticipatory bail has been preferred on the ground that custodial interrogation of the applicant at this stage of the trial is not required as the charge sheet has already been submitted.
- (xii) Vishvnath and Indrawati @ Vindra (father-in-law and mother-in-law, respectively of the deceased) have already been granted anticipatory bail by this Court vide order dated 26.02.2026 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. 184 of 2026.

4. Learned counsel for the applicant undertakes that the applicant shall cooperate in the trial.

5. Learned A.G.A. opposed the prayer made by applicant's counsel.

6. Taking note of the facts and submission advanced by the learned counsel for the applicant as also learned A.G.A based upon the material available to him and also the observations made by the Hon'ble Apex Court in the case of Musheer Alam vs. State of Uttar Pradesh and Another, 2025 SCC OnLine SC 116 as well as taking note of the fact that Vishvnath and Indrawati @ Vindra (father-in-law and mother-in-law, respectively of the deceased) have already been granted anticipatory bail by this Court vide order

dated 26.02.2026, this Court finds that the interest of the applicant is liable to be protected.

7. Accordingly, as an interim measure, it is provided that in the event of arrest, the accused-applicant- Pawan Kumar be released forthwith in the aforesaid case crime on anticipatory bail on his furnishing a personal bond of Rs.25,000/- and two sureties (one of family member/close relative) in the like amount to the satisfaction of Station House Officer of the Police Station/Court concerned, with the following conditions:-

(i) That the accused-applicants shall make himself available for interrogation by police authorities as and when required and will cooperate with the investigation;

(ii) That the accused-applicants 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; and

(iii) That the accused-applicants shall not leave India without the previous permission of the Court.

8. Let the the opposite party No. 2 be informed by the SHO, Police Station- Maharajganj, District- Azamgarh regarding pendency of the instant case and date fixed in it.

9. Learned AGA is directed to file an affidavit in response to instant bail application annexing therewith the proof of information given by the S.H.O. concerned to the opposite party No. 2 when the case is listed next.

10. List/put up this application alongwith CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. 184 of 2026.

11. It is made clear that on the next dates of listing, if service of notice is sufficient upon private opposite party No. 2 then the case would not be adjourned on account of non-appearance of private opposite party No. 2 and appropriate orders would be passed in the first call even in absence of private opposite party No. 2."

4. Learned A.G.A. opposes the prayer of the applicant but he does not dispute the fact that there is no evidence against the applicant of misusing the liberty of anticipatory bail.

5. Upon due consideration of the submission made by learned counsel for the parties, the ad-interim bail granted to the applicants is hereby confirmed and the present anticipatory bail application is **allowed** in terms of order dated 18.3.2026 while extending anticipatory bail to the applicant - **Pawan Kumar** till disposal of the trial, the applicants shall appear before the court concerned and furnish bail bond of Rs.25,000/- and two sureties in the like amount, subject to the following conditions :-

(i) that the applicants shall make himself available for interrogation by a police officer as and when required and shall not abscond;

(ii) that the applicants 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(iii) that the applicants shall not leave India without the previous permission of the court;

(iv) that the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicants shall not pressurize/intimidate the prosecution witness.

6. In case of default, it would be open for the Investigating Agency to move application for vacation of this order.

(Rajeev Singh,J.)

June 9, 2026
GauraV/-