



2026:AHK-LKO:20226

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1403 of 2025**

Devraj @ Devraj Nirmal

.....Applicant(s)

Versus

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

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jaikaran, Pradyumn Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. As per letter of the Chief Judicial Magistrate, Raebareli dated 10.11.2025, the service of notice upon the opposite party No.2 is sufficient. However, none is present for the private opposite party No.2 to oppose the anticipatory bail. This Court on 16.03.2026 observed that *"It is made clear that on the next dates of listing, the case would not be adjourned on any ground including the illness and appropriate orders, which includes adversarial order to the private opposite party, would be passed in first call even in the absence of counsel for the private opposite party"*. In the above circumstances, this court proceeded to decide the case finally.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material placed on record.

3. The present anticipatory bail application has been filed by the applicants in relation to Case Crime No.0167/2025, under Section(s) 85, 108 of BNS, 2023, Police Station - Bihar, District - Unnao.

4. Vide order dated 25.09.2025, this Court had protected the interest of the applicant. The order dated 25.09.2025, referred, reads as under : -

"The present anticipatory bail application has been filed seeking anticipatory bail in Case Crime No.167 of 2025 under Section 85, 108 BNS 2023, Police Station Bihar, District Unnao.

Heard learned counsel the applicant and learned A.G.A. for the State.

In the FIR it is alleged that the deceased was married to Devaraj, the applicant. After some days of marriage, the accused persons started subjecting her to cruelty and harassment for dowry. A motorcycle (Bullet) was given to the younger daughter of the informant, the in-laws demanded a similar motorcycle for the applicant. On their persistent demand, the complainant's family arranged Rs.50,000/- in cash, and later, the complainant's son, who was working in Bahrain along with Devaraj, arranged Rs.

1,50,000/- and sent it. Despite fulfilling these demands, the accused persons were not satisfied and further demanded a Scorpio car, which the complainant's family was unable to provide.

It is alleged that on 12.05.2025 at about 9:00 a.m., the complainant received information from neighbours that the condition of his daughter Pooja was critical and that she had been taken to the Primary Health Centre, Sumerpur. On reaching there, the complainant came to know that daughter of the informant was consumed sulphas. The deceased was referred to District Hospital, Unnao, where, during treatment, she was declared dead at about 2:00 P.M.

Learned counsel for the applicant submits that as per the admitted story of the prosecution in the FIR, the present applicant was in Bahrain along with the son of the informant. It is contended that on the relevant date also, the applicant was in Bahrain, and a copy of the air ticket is on record.

It is further submitted that initially *fauti suchna* was given on 12.05.2025 to the concerned police station, wherein no allegations regarding dowry were levelled against the applicant (Annexure-3 to the bail application).

It is further submitted that while being stationed in Bahrain, the applicant has from time to time sent money to the informant, mother of the deceased, and brother of the deceased, and a copy of the bank statement of the applicant has been filed as Annexure-8 to the bail application.

It is argued that investigation is still going on, and the applicant undertakes to cooperate in the investigation. The applicant has no criminal antecedents.

Learned A.G.A., on the other hand, has opposed the application and submits that it is a case of dowry death; the applicant is the husband of the deceased and is not cooperating in the investigation.

Issue notice to respondent no. 2. Steps be taken within a week.

Considering the peculiar circumstances of the case; the admitted fact that the applicant was stationed in Bahrain as is evident from the FIR; coupled with the material filed along with the bail application, and also taking into account that the applicant has no criminal antecedents and undertaking to cooperate with the investigation, this Court, in view of the law laid down by the Hon^{ble} Supreme Court in *Sushila Aggarwal and others v. State (NCT of Delhi)* and another, (2020) 5 SCC 1, finds it appropriate to grant interim anticipatory bail to the applicant.

Accordingly, it is provided that till the next date of listing, in the event of arrest, the applicant shall be released on interim anticipatory bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the arresting officer/I.O./S.H.O. concerned, subject to the following conditions:

The applicant shall report to the Investigating Officer within seven days from today.

The applicant shall cooperate with the investigation and shall not influence the witnesses.

The applicant shall remain present as and when called for investigation/interrogation by the arresting officer/I.O./S.H.O. concerned.

The applicant shall not leave India without prior permission of the Court.

In case of default, it shall be open to the Investigating Agency to move an application for vacation of this interim protection.

Learned counsel for the applicant shall file a better affidavit in support of the anticipatory bail application before the next date of listing, failing which this interim anticipatory bail shall stand cancelled.

List on 14.11.2025. In the meantime, let a counter affidavit be filed."

5. The learned counsel appearing for the prosecution could not demonstrate from the record that there is any adversarial facts which are pleaded in the bail application. This Court finds that the applicant was enlarged on anticipatory bail after considering the merits of the case. The learned counsel for the prosecution also could not point out any fact based upon which it can be inferred that the applicant has not cooperated with the investigation proceedings or otherwise any glaring fact which can adversely affect the merit of the case.

6. In view of the aforesaid, the present anticipatory bail application is hereby **allowed** while extending anticipatory bail to the applicant - **Devraj @ Devraj Nirmal** till disposal of the trial, subject to the following conditions:-

(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/her 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.

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

March 19, 2026

ML/-

(Saurabh Lavania,J.)