

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2997 of 2023

Applicant :- Ramvir

Opposite Party :- State of U.P.

Counsel for Applicant :- Mahendra Singh, Ram Chandra Solanki

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed on behalf of the applicant in Court today is taken on record.
2. Heard Shri Ram Chandra Solanki, learned counsel for the applicant and Shri R. N. Srivastava, learned A.G.A. for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.237 of 2022, under Sections 498-A, 304-B IPC & Section 3/4 D.P. Act, Police Station Bharthana, District Etawah, during pendency of the trial in the court below.
4. FIR of the present case was lodged on 17.07.2022 against applicant and his family members and according to the F.I.R., marriage of the applicant was performed with the niece of the informant about two months before and after solemnization of the marriage, applicant and his family members started torturing her for dowry and on 17.07.2022, they have committed her murder for want of dowry.
5. Learned counsel for the applicant submits that actually marriage of the applicant was performed with the niece of the informant on

11.12.2021 and only being husband of the deceased on the basis of false allegation of demand of dowry and torture, he has been made accused in the present matter.

6. He further submits that actually deceased was not happy with her marriage with the applicant and only due to this reason, she committed suicide by hanging herself.

7. He further submits that post-mortem of the deceased also suggests that she died due to hanging.

8. He further submits that when informant and other family members of the deceased appeared before the trial court then they did not support the prosecution case and they have declared hostile and their statements recorded before the trial court have been annexed with supplementary affidavit filed in support of the instant bail application.

9. He further submits that applicant is not having any previous criminal history and he in the present matter is in jail since 19.07.2022 i.e. for last more than one and a half years.

10. Per contra, learned AGA however opposed the prayer for bail and but could not dispute that applicant is in jail since 19.07.2022 i.e. for last more than one and a half years and during trial, informant and other witnesses of facts did not support the prosecution case. He further could not dispute the fact that deceased died due to hanging.

11. I have heard learned counsel for both the parties and perused the record of the case.

12. However, from the record, it reflects that applicant is husband of the deceased and his wife died within a year of her marriage in her matrimonial home under abnormal circumstances and there was also allegation of demand of dowry but from the record, it also

reflects that when informant and other family members of the deceased appeared before the trial court then they have declared hostile as they did not support the prosecution case.

13. Further, post-mortem of the deceased suggests that she died due to hanging, therefore, defence taken by the applicant cannot be brushed aside at this stage.

14. Further, applicant is not having any previous criminal history and he in the present matter is in jail since 19.07.2022 i.e. for last more than one and a half years.

15. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant, who is however husband of the deceased, is entitled to be enlarged on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

17. Let the applicant- **Ramvir**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

18. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

19. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 2.12.2023
Zafar