

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3030 of 2023

Applicant :- Balram

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Kumar Srivastava

Counsel for Opposite Party :- G.A.,Avijit Saxena

Hon'ble Sameer Jain,J.

1. Case called out in revised list. None present on behalf of the informant. However, learned AGA for the State is present.

2. Heard Sri Ashish Kumar Srivastava, learned counsel for the applicant and Sri Ram Narayan Srivastava, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 399 of 2022, under Sections 498A, 302, 504, 506 IPC, Police Station Hasanpur, District Amroha during pendency of the trial.

4. FIR of the present case was lodged against applicant and others on 11.08.2022 through an application under Section 156(3) Cr.P.C. dated 01.07.2022 and according to the FIR marriage of the applicant was performed with the daughter of the informant on 20.05.2013 and after marriage applicant and his family members tortured her for a car and on 27.04.2022 informant received an information that applicant and his family members have committed the murder of his daughter.

5. Learned counsel for the applicant submitted that FIR of the present case was lodged through an application under Section 156(3) Cr.P.C. and even application under Section 156(3) Cr.P.C. was moved after two months. He further submits that although according to post mortem report deceased died due to smothering but it is a case of suicide and deceased consumed Salfas.

6. He further submits that dispute with regard to children arose between husband and wife and thereafter in rash deceased consumed Salfas and died. He further submits that applicant is not

having any criminal history and in the present matter he is in jail since 31.10.2022 i.e. for more than a year.

7. Per contra, learned AGA opposed the prayer for bail and submits that applicant is husband of the deceased and it is case of homicidal death and post mortem report suggests that deceased died due to smothering and applicant failed to explain the homicidal death of his wife, therefore, he is not entitled to be released on bail.

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

9. Considering the fact that applicant is husband of the deceased and his wife died due to smothering, therefore, it appears to be a case of homicidal death and applicant failed to explain the homicidal death of his wife, in my view, applicant is not entitled to be released on bail.

10. Accordingly, the instant bail application is rejected.

11. 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 :- 7.11.2023

AK Pandey