

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2978 of 2023

Applicant :- Anuj

Opposite Party :- State of U.P.

Counsel for Applicant :- Lavkush Kumar Bhatt, Anil Kumar Bind, Narendra Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Rejoinder affidavit filed today on behalf the applicant is taken on record.
2. Heard Sri Anil Kumar Bind and Narendra Kumar Singh, learned counsels for the applicant and Sri Pradeep Kumar, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 152 of 2022, under Sections 498-A, 304-B IPC and Section 3/4 D.P. Act, Police Station Rajepur, District Farrukhabad, during pendency of the trial in the court below.
4. FIR of the present case was lodged against the applicant and according to the FIR marriage of the applicant was performed with the deceased about three years before and after marriage applicant and his family member tortured her for golden chain and ring and on 6.7.2022, they have committed her murder.
5. Learned counsel for the applicant submitted that applicant is husband of the deceased and on the basis of false allegation of demand of dowry he has been made accused in the present matter and actually on 9.7.2022 there was marriage of the brother of the deceased and deceased wanted to attend the marriage of her brother and in this regard, applicant was also making arrangement of money but for the marriage Rs. one lakh was demanded from the applicant by the informant and when applicant refused for the same then in anger his wife committed suicide by hanging herself.
6. He further submitted that post mortem report of the deceased also suggests that she died due to hanging.

7. He further submitted that applicant is having no previous criminal history to his credit and he is in jail in the present matter since 4.7.2022.

8. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is husband of the deceased and his wife died within three years of her marriage under abnormal circumstances in her matrimonial home and no proper reason of his death could be given by the applicant and therefore, applicant should not be released on bail.

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

10. Considering the fact that applicant is husband of the deceased and his wife died within three years of her marriage under abnormal circumstances and applicant failed to properly explain her death, in my view, applicant is not entitled to be released on bail.

11. Accordingly, the instant bail application stands ***rejected***.

12. 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 :- 3.11.2023

Ankita