

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10064 of 2022

Applicant :- Ravi

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Sharma, Abhas Sharma

Counsel for Opposite Party :- G.A., Akhilesh Kumar Mishra, Pawan Giri

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 R.K. Sharma, learned counsel for the applicant and Sri Suresh Bahadur Singh, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 302 of 2021, under Sections 498A, 323, 304B, 302 IPC and Section 3/4 D.P. Act, Police Station Simbhawali, District Hapur during pendency of the trial.
4. FIR of the present case was lodged against applicant and according to the FIR marriage of the applicant was performed with the daughter of the informant on 27.04.2018 and after marriage applicant and his family members tortured her for motorcycle and Rs. 2 lakhs and on the date of incident 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 entire allegation made against the applicant is totally false and only being husband of the deceased, he has been made accused in the present matter. He further submits that actually husband i.e. applicant resided in Noida and deceased used to live in village along with her in-laws and she always insisted to live in Noida along with applicant but applicant could not fulfill her desire, therefore, only due to this reason she committed suicide.
6. He further submits that even autopsy report suggests that deceased died due to hanging. He further submits that applicant is

not having any criminal history and in the present matter he is in jail since 04.08.2021 i.e. for last almost two and half years.

7. 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 there is also allegation of demand of dowry but could not dispute the fact that deceased died due to hanging and after breaking the door her dead body was recovered. He further could not dispute the fact that applicant is in jail since 04.08.2021 i.e. for last almost two and half years.

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

9. However, applicant is husband of the deceased and his wife died within three years of her marriage and there is also allegation of demand of dowry but post mortem report suggests that she died due to hanging and even inquest report shows that her dead body was recovered after breaking the door, therefore, argument advanced by learned counsel for the applicant that she committed suicide cannot be ruled out at this stage.

10. Further, as per applicant he resided in Noida (as per averment made in paragraph-11 of the affidavit) and as per argument advanced by learned counsel for the applicant that deceased always insisted to live along with applicant in Noida but applicant did not accept her proposal, therefore, deceased committed suicide. The argument advanced by learned counsel for the applicant cannot be completely brushed aside at this stage.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 04.08.2021 i.e. for last almost two and half years.

12. Therefore, considering the facts and circumstances of the case, particularly the long incarceration of the applicant, in my view, applicant is entitled to be released on bail.

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

14. Let the applicant - **Ravi** 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.

15. 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.

16. 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 :- 11.12.2023

AK Pandey