

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 16965 of 2023

Applicant :- Rihan

Opposite Party :- State of U.P.

Counsel for Applicant :- Vimal Kumar Pandey, Amit Daga

Counsel for Opposite Party :- G.A., Jai Prakash, Neeraj Kumar Chaurasiya

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Case called out in revised list. None present on behalf of the informant. However, learned AGA for the State is present.
3. Heard Sri Amit Daga, learned counsel for the applicant and Sri Pradeep Kumar, learned AGA for the State.
4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 079 of 2022, under Sections 498A, 328, 302 IPC and Section 3/4 D.P. Act, Police Station Sadar Bazar, District Meerut during pendency of the trial.
5. FIR of the present case was lodged against applicant and his family members and according to the FIR marriage of the sister of the informant was performed with the elder brother of the applicant on 16.04.2006 and after marriage applicant and his family members tortured her for Rs. 10 lakhs, Scorpio Car, Jewellery and Scooter and on 19.05.2022 applicant and other accused persons by administering some poisonous substance in the milk of the sister of the informant committed her murder.
6. Learned counsel for the applicant submitted that applicant is Devar of the deceased and on the basis of false allegation of demand of dowry and torture, he has been made accused in the present matter. He further submits that even bail application of the husband of the deceased namely Imran Khan has already been allowed by the co-ordinate Bench of this Court and his bail order has been annexed as Annexure SA-4 to the supplementary

affidavit.

7. He next submits that all the witnesses of fact when appeared before the trial court then they have declared hostile including informant of the case. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 22.01.2023 i.e. for more than ten months.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

10. Considering the fact that applicant is devar of the deceased and even husband of the deceased has already been released on bail and all the witnesses of fact have declared hostile during trial including informant of the case and applicant is in jail for more than ten months, in my view, applicant is entitled to be released on bail.

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

12. Let the applicant - **Rihan** 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.

13. 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.

14. 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 :- 22.11.2023

AK Pandey