

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21830 of 2023

Applicant :- Manoj Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar, Umesh Prasad Singh, Yatharth Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri U.P. Singh, learned counsel for the applicant and Sri S.B. Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 175 of 2019, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Hallia, District- Mirzapur, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant and his mother and according to the FIR, marriage of the applicant was performed with the sister of the informant on 21.05.2019 and after marriage, applicant and his mother tortured the deceased for want of motorcycle and on 25.08.2019, informant received an information that his sister has died.
4. Learned counsel for the applicant submitted that applicant is the husband 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 submitted that however, according to the autopsy report of the deceased, she died due to strangulation but from the site plan and other material available on record, it appears that actually she committed suicide. He further submitted that informant and other family members of the deceased when appeared before the trial court then they have been declared hostile.
5. He further submitted that applicant is in jail since 05.09.2019 i.e. for more than four years.
6. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is the husband of the deceased and his

wife died due to strangulation, therefore, it is a case of homicidal death, however, applicant has taken a plea that it is a case of suicidal death but applicant took a false plea and his false defence has been belied by the autopsy report of the deceased.

7. He further submitted that it is a case of homicidal death, therefore, even if family members of the deceased have turned hostile, it hardly matter. He further submitted that considering the relationship of the applicant with the deceased, autopsy report of the deceased and defence taken by the applicant, he should not be released on bail.

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

9. However, applicant is in jail in the present matter since 05.09.2019 i.e. for last more than four years and during trial all the family members of the deceased have been declared hostile but applicant is the husband of the deceased and autopsy report of the deceased suggests that she died due to strangulation.

10. Further, however as per the averments made in paragraph nos. 14 and 15 of the affidavit, deceased committed suicide but in view of the autopsy report, defence taken by applicant prima facie appears to be false.

11. Therefore, considering the facts and circumstances of the case discussed above, I am not inclined to release the applicant on bail.

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

13. 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.

14. However, considering the fact that applicant is in jail for more than four years, trial court is directed to conclude the trial of the case within a period of nine months from the date of production of certified copy of this order, strictly as per the provisions of Section 309 Cr.P.C., if there is no legal impediment.

Order Date :- 2.12.2023

KK Patel