

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22757 of 2023

Applicant :- Bardani

Opposite Party :- State of U.P.

Counsel for Applicant :- Arun Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Arun Kumar Singh, learned counsel for the applicant and Dr. S. B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 425 of 2021, under Sections 498-A, 304B IPC and 3/4 D.P. Act, Police Station Sumerpur, District Hamirpur, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that this is the second bail applicant filed on behalf of the applicant who is father in law of the deceased and his first bail application was dismissed on 11.5.2022 by the co-ordinate Bench of this Court alongwith the bail application of mother in law of the deceased.
4. He further submitted that subsequently bail application of the mother in law of the deceased has been allowed by the same Bench who dismissed the first bail application of the applicant on 23.1.2023 and the copy of the bail granting order has been annexed as annexure 9 to the affidavit filed alongwith the instant bail application.
5. He further submitted that on merit, case of applicant is at par with the case of mother in law of the deceased.
6. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 20.1.2022 i.e. for more than one and a half years.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.
8. I have heard learned counsel for the parties and perused the record of the case.
9. From the perusal of the record, it appears that this is second bail application filed on behalf of the applicant and his first bail applicant has been dismissed on merit by the co-ordinate Bench of this Court alongwith the bail application of mother in law of the

deceased but subsequently it appears that mother in law of the deceased has been granted bail by the same bench who dismissed the first bail application of the applicant and on merit, case of the applicant who is father in law of the deceased is at par with the case of the mother in law.

9. Further, from the perusal of the record it also reflects that deceased i.e. daughter in law of the applicant died due to hanging and applicant is having no criminal history to his credit and he is in jail in the present matter since 20.1.2022 i.e. for last more than one and a half years.

10. Therefore, considering the facts and circumstances of the case, discussed above, 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-**Bardani**, 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 :- 1.11.2023

Ankita