

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 24539 of 2023

Applicant :- Rajkumar @ Raju

Opposite Party :- State of U.P.

Counsel for Applicant :- Hanuman Prasad Kushwaha

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Hanuman Prasad Kushwaha, learned counsel for the applicant, Sri Birendra Pratap Singh, learned counsel for the State and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Rajkumar @ Raju, seeking enlargement on bail during trial in connection with Case Crime No.04 of 2021, u/s 498-A, 304-B read with Section 302/34 IPC and 3/4 D.P. Act, P.S. Chhatta, District Agra.
4. The FIR of the matter was lodged on 2.1.2021 by Mohan Lal against the applicant and his mother Smt. Usha alleging therein that the marriage of his daughter Teena Mahavar was solemnized with the applicant in July 2020. The accused persons were not happy with the marriage. They were demanding dowry and tortured and beat his daughter which was told to him by her. The accused persons on 31.12.2020 murdered his daughter and hung her. He on receiving an information on phone has come with his wife to lodge FIR. The same be lodged.
5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but has been falsely implicated in the present case. While placing para 13 of the affidavit it is argued that the marriage of the deceased with the applicant was love marriage and as such there was no reason for demanding any dowry. The marriage was solemnized during Covid-19 pandemic. Even the Investigating Officer asked the first informant regarding the card of marriage and the photographs of the same but the same were not made available to him. The deceased was found having received a ligature mark on her body and the cause of death was opined as asphyxia as a result of hanging which is suggestive of suicide. It is argued that co-accused Smt. Usha, the mother-in-law of the deceased has been granted

bail by coordinate Bench of this Court vide order dated 9.6.2021 passed in Criminal Misc. Bail Application No.19884 of 2021, copy of the same is annexed as Annexure No.6 to the affidavit filed in support of bail application. It has also been pointed out that the applicant is not having any criminal history as stated in para 23 of the affidavit and is in jail since 3.1.2021.

6. Per contra learned counsel for the State vehemently opposed the prayer for bail.

7. After hearing the counsel for the parties and perusing the record, it is apparent that the applicant is the husband of the deceased. The deceased died within seven months of marriage in her matrimonial house which is unnatural. There is no explanation coming forward from the side of the applicant regarding death of the deceased in his house. There is allegation of demand of dowry.

8. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is **rejected**.

(Samit Gopal, J.)

Order Date :- 16.10.2023

Gaurav Kuls