

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33177 of 2022

Applicant :- Akhilesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Kumar Pandey, Rajnish Kumar Pandey

Counsel for Opposite Party :- G.A., Ashvni Mishra

Hon'ble Sameer Jain, J.

1. Heard Sri Rajnish Kumar Pandey, learned counsel for the applicant, Sri girish Kumar Mishra, Advocate, holding brief of Sri Ashvni Mishra, learned counsel for the informant 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. 31 of 2022, under Sections 498-A, 302 IPC, Police Station- Gabhana, District- Aligarh, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant under Sections 498-A and 302 IPC and according to the FIR, marriage of the applicant was performed with the sister of the informant about 12 years before and on 10.02.2022, informant received an information that his sister hanged herself. It is further mentioned in the FIR that subsequently informant came to know that applicant committed her murder by strangulating her.
4. Learned counsel for the applicant submitted that applicant is the husband of the deceased and on the basis of false allegation, he has been made accused in the present matter. He further submitted that however, deceased i.e. wife of the applicant died due to strangulation but applicant at the time of incident was not present at his home, therefore, he is not in a position to explain the homicidal death of the deceased. He further submitted that it appears that in absence of the applicant, some unknown person committed the murder of his wife.
5. He further submitted that applicant is not having any criminal history and he is in jail since 12.02.2022 i.e. for more than one and half years.

6. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is the husband of the deceased and his wife died due to strangulation and he failed to explain homicidal death of his wife and explanation given by the applicant is vague, therefore, applicant should not be released on bail.

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

8. Considering the fact that applicant is the husband of the deceased and his wife was murdered by strangulation in her matrimonial home and applicant failed to provide any cogent reason of the homicidal death of his wife, in my view, applicant is not entitled to be released on bail.

9. Accordingly, the instant bail application is **rejected**.

10. 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 :- 29.11.2023

KK Patel