

Neutral Citation No. - 2023:AHC:223085

Reserved On:- 20.11.2023

Delivered On:- 24.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38182 of 2021

Applicant :- Jaikaran Singh @ Jaswant Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Dubey, Raksha Chauhan, Upendra Kumar Singh

Counsel for Opposite Party :- G.A., Abhay Singh Yadav, Chandra Prakash Pandey, Mahender Pal Singh Yadav, Veer Bhadra Singh

Hon'ble Siddharth, J.

1. Heard Sri Upendra Kumar Singh, learned counsel for the applicant; Sri Mahender Pal Singh Yadav, learned counsel for the informant; learned AGA for the State and perused the material placed on record.
2. The instant bail application has been filed on behalf of the applicant, Jaikaran Singh @ Jaswant Singh, with a prayer to release him on bail in Case Crime No. 39 of 2021, under Sections- 498-A, 304-B IPC and Section 34 of D.P. Act, Police Station- Bhognipur, District- Kanpur Dehat.
3. There is allegation in the FIR that the deceased was married to the applicant on 01.02.2019 and died on 25.01.2021. It is alleged that accident was shown to be caused by incident but it was not accident but a planned murder because of unfulfilled demand of dowry.
4. Learned counsel for the applicant submits that it is a case of accident. The applicant was coming back with his wife from his matrimonial home when the accident took place. His FIR was not lodged

and thereafter application under Section 156(3) Cr.P.C., was filed. The police conducted survey and found that the vehicle had got destroyed due to accident. The deceased died on account of injuries suffered in the accident. The applicant was falsely implicated in this case. The applicant is in jail since 12.02.2021.

5. Counsel for the informant has vehemently opposed the bail application. He has submitted that in the post-mortem report of the deceased, ten injuries were found by the doctor.

6. He has further submitted the applicant did not suffered any injury in the accident and only the deceased suffered ten injuries and died. He has submitted hat it is a case of planned murder. He has submitted that no sign of blood was found on the place of incident and therefore it is clear that the deceased was somewhere else and thereafter thrown on the road to show it accident.

7. Learned A.G.A has opposed the bail application of the applicant.

8. After hearing the rival contentions, this Court finds that in the post-mortem report of the deceased the following injuries were noted by the doctor which are as follows:-

“1. Stitched wound 9 cm long four stitches present Rt. side skull 8cm above Rt. ear.

2. Stitched wound 5 cm long stitch present 1cm just below injury no.1

3. Stitched wound 5 cm long 3 stitches preset just below injury no.2

4. Stitched wound 5cm long 2 stitches present with part of occipital region just below injury no 3.

5. Lacerated wound 0.5 x 0.5cm at the nose underlining nasal bone fracture.

6. *Lacerated wound 4 x 2cm inner of upper lips just opposite to upper dotted line front*

7. *Lacerated wound 3cm x 2 cm inner side of lower lip,*

8. *Contusion 13cm x 5cm dorsum of Rt. hand area of Rt. little, middle, ring finger and dorsum of palm.*

9. *Contusion 8 x6 cm over dorsum of left hand.*

10. *Lacerated wound 1 x 1cm each on middle ring little finger with fracture of metacarpal of each bone.”*

9. The injuries show that all the injuries are on the upper half of the body of deceased. She has not suffered any injury on her waist and below the waist. The injuries on the hand and right limb middle ring finger and right palm and on dorsum of left hand show that the hand may have been used by deceased for protecting herself from assault made on her head by some hard object. She has suffered injuries on skull, nasal bone, lips and occipital region which cannot be caused simply in an accident. Injury is all around her face and head on all sides. The non-recovery of any blood stained earth from place of incident also makes the defence case doubtful. It is not a fit case for granting bail to the applicant at this stage.

10. The bail application is accordingly, rejected.

11. The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.

Order Date :- 24.11.2023

Rohit