

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37690 of 2022

Applicant :- Govind Sahni

Opposite Party :- State of U.P.

Counsel for Applicant :- Ravindra Prakash Srivastava, Jitendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Shri Jitendra Singh, learned counsel for the applicant and Shri Pradeep Kumar, learned A.G.A. for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.202 of 2020, under Sections 498-A, 304-B IPC & Section 3/4 D.P. Act, Police Station Shohratgarh, District Siddharth Nagar, during pendency of the trial in the court below.
3. FIR of the present case was lodged on 04.08.2020 against applicant and his family members and according to the F.I.R., marriage of the applicant was solemnized with the daughter of the informant and after solemnization of the marriage, applicant and his family members started torturing her for demand of dowry and on 03.08.2020, they have committed her murder for want of doary. It is further mentioned in the FIR that at the time of death, deceased was having eight months pregnancy.
4. Learned counsel for the applicant submits that applicant is 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.

5. He further submits that even in the FIR there is no specific demand of dowry and informant in his statement recorded under Section 161 Cr.P.C. also did not disclose any specific demand of dowry.

6. He further submits that actually during Covid-19 Pandemic the financial condition of the applicant became bad and only due to financial crisis, deceased, who was pregnant, in frustration committed suicide.

7. He further submits that post-mortem report of the deceased suggests that she died due to hanging.

8. He further submits that applicant is not having any previous criminal history and he is in jail since 05.08.2020 i.e. for last more than three years.

9. Per contra, learned AGA opposed the prayer for bail and submits that applicant is husband of the deceased and his wife died within seven years of her marriage under abnormal circumstances in her matrimonial home but could not dispute, there is no specific demand of dowry could be disclosed in FIR and in the statement of informant recorded under Section 161 Cr.P.C. He further could not dispute that deceased died due to hanging and applicant is in jail since 05.08.2020 i.e. for more than three years.

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

11. However, applicant is husband of the deceased and his wife died within seven years of her marriage under abnormal circumstances in her matrimonial home but informant neither in the FIR nor in the statement under Section 161 Cr.P.C. disclosed any specific demand of dowry.

12. Further, post-mortem report of the deceased suggests that she died due to hanging, therefore, the defence taken by the applicant in paragraph-11 of the affidavit filed in support of present bail application, cannot be completely brushed aside at this stage.

13. Further, applicant is not having any previous criminal history and he is in jail since 05.08.2020 i.e. for more than three years.

14. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant, who is husband of the deceased, is entitled to be enlarged on bail.

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

16. Let the applicant- **Govind Sahni**, 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.

17. 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.

18. 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 :- 6.12.2023
Zafar