

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38866 of 2022

Applicant :- Praveen Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Kamala Kant Pandey, Shrawan Kumar Pandey

Counsel for Opposite Party :- G.A., Ram Prakash Patel

Hon'ble Sameer Jain, J.

1. Heard Sri Shrawan Kumar Pandey, learned counsel for the applicant, Sri Ram Prakash Patel, learned counsel for the informant and Sri Ravi Kant Kushwaha, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 432 of 2021, under Sections 304-B, 498-A IPC and 3/4 Dowry Prohibition Act, 1961, Police Station Bhojipura, District Bareilly during pendency of the trial.
3. FIR of the present case was lodged against the applicant and his family members and according to the FIR marriage of the applicant was performed with the deceased on 22.4.2021 and after marriage applicant and family members of the applicant tortured the deceased for dowry and on 9.8.2021 when informant arrived the matrimonial home of the deceased then he found that his daughter i.e. deceased had died.
4. Learned counsel for the applicant submits 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 deceased died within four months of her marriage and therefore applicant even could not become aware why she committed suicide. He further submits that post mortem report also suggests that deceased committed suicide as according to the autopsy surgeon, deceased died due to ante mortem hanging.

6. He further submits that applicant is not having any previous criminal history and he is in jail since 6.9.2021 i.e. for more than two years.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is husband of the deceased and his wife died within four months of marriage in her matrimonial home and there is also allegation of demand of dowry. They further submit that at the time of death, deceased was also having pregnancy of about three months.

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

9. Applicant is husband of the deceased and his wife died within four months of marriage in her matrimonial home due to ante mortem hanging and there is also allegation of demand of dowry.

10. Further, however, learned counsel for the applicant submitted that deceased committed suicide but he failed to provide any reason for her alleged suicide.

11. Further, from the record, it reflects that at the time of death, deceased was also having about three months pregnancy.

12. Therefore, considering the facts and circumstances and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

13. Accordingly, the bail application is **rejected**.

14. However, considering the fact that applicant is in jail for more than two years, trial court is directed to conclude the trial of the

case within eight months from the date of production of certified copy of this order strictly as per provision of Section 309 Cr.P.C. in accordance with law, if there is no legal impediment.

Order Date :- 12.10.2023

Aiman