

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44033 of 2023

Applicant :- Yatendra Chauhan Alias Banti

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Singh Bais

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.307 of 2023 at Police Station-Behat, District-Saharanpur under Sections 498A, 304B IPC and Section 3/4 of the D.P. Act. The applicant is in jail since 15.06.2023.

The bail application of the applicant was rejected by the learned trial court on 07.07.2023.

The following arguments made by Shri Ashok Kumar Singh Bais, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the husband of the deceased.
2. The applicant and the deceased had a harmonious relationship.
3. The applicant did not harass the deceased or demand dowry.
4. The deceased was a sensitive lady as she could not

conceive a child after marriage despite medical treatment. The deceased had lost hope.

5. On the fateful day, she succumbed to depression and took a poisonous substance. After consuming some poisonous substance the deceased complained of unease. She was rushed to the hospital immediately but to no avail.

6. The cause of death could not be ascertained. Viscera report has not been submitted till date.

7. The applicant did not aid or abet the suicide.

8. The prerequisites for attracting the presumption and reversing the burden of proof are not established in the evidences and fact and circumstances of the case.

9. The applicant does not have any criminal history apart from this case.

10. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Yatendra Chauhan Alias Banti be

released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 17.10.2023

Ashish Tripathi