

Neutral Citation No. - 2023:AHC:235605

Reserved On:- 30.11.2023

Delivered On:- 12.12.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33642 of 2023

Applicant :- Shivam Rathore

Opposite Party :- State of U.P.

Counsel for Applicant :- Krishna Gopal,Zafar Abbas

Counsel for Opposite Party :- G.A.,Preet Pal Singh Rathore

Hon'ble Siddharth, J.

1. Heard Sri Zafar Abbas, learned counsel for the applicant; Sri Preet Pal Singh Rathore, learned counsel for the informant; learned A.G.A for the State and perused the material placed on record.
2. The instant bail application has been filed on behalf of the applicant, Shivam Rathore, with a prayer to release him on bail in Case Crime No. 206 of 2022, under Sections- 498-A, 323, 304-B IPC and Section $\frac{3}{4}$ of Dowry Prohibition Act, Police Station- Sheeshgarh, District- Bareilly.
3. There are allegations against the applicant of beating and dowry death of deceased while she was pregnant.
4. Learned counsel for the applicant submits that the deceased committed suicide by way of hanging. She was married with the applicant on 01.04.2021 and committed suicide on 10.06.2022. No other injury was found on her body. There is no evidence of the deceased being subjected to any cruelty soon before her death. She was not able to adjust in her matrimonial home. The mother of the applicant had died during pendency of this bail application. He was not present at the time of alleged incident in his house and attendance register of the place of work has been brought

on record which shows that on the date and time of incident he was at his workplace.

5. Learned counsel for the informant has opposed the bail application and has submitted that the deceased died sometimes in the night of 10/11.06.2022. He has submitted that on 10.06.2022, the applicant was on duty since 06:20 a.m. to 3:00 p.m. On 11.06.2022 he was on duty since 6:20 a.m. to 8:42 a.m. The distance between Bareilly to Rudrapur is 76 km and it will take about two hours to reach there. It proves that applicant was in his house between 3:00 p.m to 6:20 a.m in his house on 10.06.2022. The deceased was done to death sometimes in the night of 10/11.06.2022. Therefore, the applicant was present in his house at the time of alleged incident.

6. Learned A.G.A has also opposed the bail application of the applicant.

7. After hearing the rival contentions, this Court find that it is not a fit case for granting bail to the applicant at this stage.

8. The bail application is accordingly, ***rejected***.

9. Trial court is directed to conclude the trial against applicant within period of one year from the date of production of certified copy of this order before the trial court.

Order Date :- 12.12.2023

Rohit