

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41299 of 2022

Applicant :- Vinod Kashyap

Opposite Party :- State of U.P.

Counsel for Applicant :- Ardhendu Shekhar Sharma, Ram Babu Sharma, Tarun Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Ram Babu Sharma, learned counsel for the applicant and Sri Pradeep Kumar, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 129 of 2021, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Binawar, District Budaun during pendency of the trial.
3. FIR of the present case was lodged against applicant and his parents and according to the FIR marriage of the applicant was solemnized with the deceased about six years before and after marriage applicant and his parents tortured her for a motor-cycle and on 8.6.2021 informant received an information that deceased has died and when he arrived at her matrimonial home then found that her dead body was lying.
4. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and applicant neither ever tortured the deceased nor he ever demand any dowry and only being husband of the deceased, he has been made accused in the present matter.
5. He further submits that although as per the autopsy surgeon

deceased died due to strangulation but in fact she committed suicide as she was under depression.

6. He further submits that when parents of the deceased including informant of the case appeared before the trial court then they have turned hostile and they also stated that due to depression deceased committed suicide.

7. He further submits that applicant is not having any previous criminal history and he is in jail since 15.6.2021 i.e. for more than two years.

8. Per contra, learned AGA opposed the prayer for bail and submits that applicant is husband of the deceased and his wife died due to strangulation within seven years of her marriage and there is also allegation of demand of dowry and therefore even if the parents of the deceased turned hostile then also no benefit should be extended to the applicant.

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

10. Although, it appears that applicant is in jail in the present matter since 15.6.2021 i.e. for more than two years and parents of the deceased also declared hostile but applicant is husband of the deceased and it is a case of homicidal death as post-mortem report suggests that his wife died due to strangulation and at this stage this Court cannot deviate from the finding of the autopsy surgeon.

11. 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.

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

13. However, considering the fact that applicant is in jail since 15.6.2021 i.e. for more than two years, trial court is directed to conclude the trial of the case within nine months 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