

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46355 of 2021

Applicant :- Anil Kumar Bind

Opposite Party :- State Of U.P Through Its Secretary Home Up At Lucknow

Counsel for Applicant :- Vikash Chandra Tiwari, Anil Kumar Shukla, Shiva Shanker Yadav

Counsel for Opposite Party :- G.A., M. A. Siddiqui

Hon'ble Sameer Jain, J.

1. Heard Sri Anil Kumar Shukla, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State. However, none present on behalf of the informant.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 131 of 2020, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Chauri, District Bhadohi during pendency of the trial.

3. FIR of the present case was lodged against applicant and his family members and according to the FIR marriage of the applicant was performed with the deceased in February, 2019 and after marriage applicant and his family members tortured the deceased for want of dowry and on 10.12.2020 applicant and his family members committed the murder of the deceased. It is further mentioned in the FIR that at the time of death deceased was having five months old pregnancy.

4. Learned counsel for the applicant submitted that applicant is husband of the deceased and on the basis of false allegation of torture and demand of dowry he has been made accused in the present matter. He further submits that actually marriage of the applicant with the deceased was his second marriage and even it was second marriage of the deceased too and after marriage applicant and deceased started residing in Mumbai but due to Covid-19 pandemic applicant has to return his native place and thereafter due to financial difficulty his wife i.e. deceased committed suicide by hanging herself.

5. He further submits that post mortem report of the deceased also

suggests that deceased died due to hanging. He further submits that applicant in the present is in jail since 15.02.2021 i.e. for more than two and half years.

6. Per contra, learned AGA opposed the prayer for bail and submits that wife of the applicant died within seven years of her marriage under abnormal circumstances and there is also allegation of demand of dowry but he could not dispute the fact applicant is in jail for more than two and half years and according to the doctor cause of death is ante mortem hanging.

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

8. Although applicant is husband of the deceased and his wife died within two years of her marriage under abnormal circumstances but according to post mortem report she died due to hanging and informant also in his statement recorded under Section 161 Cr.P.C. stated that deceased committed suicide.

9. Further, the defence taken by the applicant that due to Covid-19 pandemic financial difficulty arose cannot be completely brushed aside at this stage. Further, applicant is in jail for more than two and half years.

10. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

12. Let the applicant - **Anil Kumar Bind** 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.

13. 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.

14. 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 :- 13.10.2023

AK Pandey