

Neutral Citation No. - 2023:AHC:214458

Reserved On:- 01.11.2023

Delivered On:-07.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35864 of 2023

Applicant :- Ashu Kashyap

Opposite Party :- State Of U.P. Though It Principal Secretary (Home)Lucknow

Counsel for Applicant :- Atul Kumar

Counsel for Opposite Party :- G.A.,Sudhanshu Kumar Singh

Hon'ble Siddharth,J.

1. Heard Sri Atul Kumar, learned counsel for the applicant; Sri Kameshwar Singh, learned counsel for informant and the learned A.G.A. for the State.
2. The instant bail application has been filed on behalf of the applicant, **Ashu Kashyap**, with a prayer to release him on bail in **Case Crime No. 368 of 2022, under Section- 498-A, 304-B I.P.C. and Section 34 of D.P. Act, Police Station – Bhopa,, District -Muzaffar Nagar.**
3. There is allegation against the applicant of causing dowry death of his wife.
4. Learned counsel for applicant has submitted that it is a case of false implication. The deceased committed suicide by way of hanging since she was unable to adjust in her matrimonial home. He has submitted that the applicant has been falsely implicated in this case. FIR has been lodged on false allegations. There were some differences between the couple, but the same were sorted out. The applicant has no criminal history to his credit and is languishing in jail since 20.12.2022.
5. Learned A.G.A. and learned counsel for informant have vehemently opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage, therefore, she does not deserves any indulgence. In case the applicant is released on bail, she will again indulge in similar activities and will misuse the liberty of bail.
6. After hearing the rival contentions, this Court finds that the independent witnesses have supported prosecution case and have stated that earlier also dispute took place between the couple regarding demand of dowry and the applicant's side assured that it shall not be repeated and hence the matter was settled, but again demand was renewed and the

harassment of the deceased was also resumed. A suit for maintenance under Section 125 Cr.P.C., was filed by the deceased prior to her death and she has also made applications to the police regarding her harassment by the applicant before to her death.

7. There is no good ground for grant of bail to the applicant at this stage.

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

9. The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.

Order Date :-07.11.2023

Abhishek