

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 42695 of 2022

**Applicant :-** Sunil Sahni

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Vinay Kumar Mishra

**Counsel for Opposite Party :-** G.A.,Amit Kumar Yadav,Karunesh Pratap Singh

**Hon'ble Sameer Jain,J.**

1. Heard Sri V.M. Tripathi, Advocate holding brief of Sri Vinay Kumar Mishra, learned counsel for the applicant, Sri Anand Vibhor Singh, Advocate holding brief of Sri Karunesh Pratap Singh, learned counsel for the informant 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.248 of 2021 (S.T. No. 550 of 2021), under Sections 498A, 304B, 506 IPC and Section 3/4 D.P. Act, Police Station Rudrapur, District Deoria during pendency of the trial.

3. FIR of the present case was lodged against applicant and his family members including his father and brother and according to the FIR marriage of the applicant was performed with the sister of the informant on 30.05.2021 and after marriage applicant and his family members tortured her for demand of Rs. 3 lakhs and after sometime of marriage, applicant had gone outside and started torturing the sister of the informant on phone. It is further mentioned in the FIR that on 07.10.2021 informant after receiving information when arrived at the matrimonial home of the sister then found that she was lying dead on the Bed.

4. Learned counsel for the applicant submitted that applicant is husband of the deceased and entire allegation made against him are totally false and after marriage he had to go to Bangalore for his livelihood as he run a small business in Bangalore. He further

submits that deceased always insisted to live in Bangalore along with applicant but due to weak financial condition, applicant was unable to accept her proposal and only due to this reason, she committed suicide.

5. He further submits that even post mortem report of the deceased suggests that she died due to hanging. He next submits that other accused, who resided along with deceased in her matrimonial home, have already been released on bail. He further submits that applicant in the present matter is in jail since 02.11.2021 i.e. for more than two years, therefore, he may be released on bail.

6. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submits that applicant is husband of the deceased and there is specific allegation against him that he even on phone tortured his wife i.e. deceased and post mortem report also suggests that deceased died due to hanging but from the perusal of the post mortem report, it also reflects that her hyoid bone was found fractured.

7. They further submits that from the post mortem report, it further reflects that doctor noted the presence of the semen on the body of the deceased and all these facts suggests that actually something wrong had happened with the deceased and thereafter she was murdered.

8. Learned counsel for the informant further submits that applicant is husband of the deceased and his wife died under abnormal circumstances in her matrimonial home within five months of her marriage, therefore, applicant should not be released on bail.

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

10. However, it appears that applicant, who is husband of the deceased, at the time of incident was outside from his home and as per averment made by the applicant in the instant bail application, he was doing small business in Bangalore but from the record, it reflects that there is specific allegation that even before departure to Bangalore he used to torture his wife on phone and he also threatened her to fulfill the demand of Rs 3 lakhs.

11. Further, in the house of the applicant along with deceased the parents and brother of the applicant resided and, however, they

have been released on bail but from the perusal of the post mortem report of the deceased, it appears that her hyoid bone was found fractured and even doctor noted the presence of semen on her body and no explanation has been given by the applicant with regard to these glaring circumstances mentioned in the post mortem report.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

13. Accordingly, the instant bail application is rejected.

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.

15. However, considering the fact that applicant is in jail for more than two years, trial court is directed to conclude the trial of the case within a period of nine months from the date of production of certified copy of this order in accordance with law, if there is no legal impediment.

**Order Date :- 29.11.2023**

AK Pandey