

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36907 of 2023

Applicant :- Dharmendra Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Mukul Yadav, Rajesh Yadav

Counsel for Opposite Party :- G.A., Devendra Kumar

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Rajesh Yadav, learned counsel for the applicant, Sri Devendra Kumar, learned counsel for the first informant and Sri Ajay Singh, learned AGA-I for the State and perused the material on record.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant **Dharmendra Yadav**, seeking enlargement on bail during trial in connection with Case Crime No. 172 of 2023, under Sections 498-A, 304-B, 504 I.P.C. and 3/4 D.P. Act, registered at Police Station Madhuban, District Mau.

4. The FIR of the matter was lodged on 01.07.2023 by Jawahir against the applicant, Ramjeet Yadav/father-in-law and Leelawati Devi/mother-in-law of the deceased Mamta with the allegations that his daughter was married to the applicant on 27.05.2019. After marriage there was a demand of dowry by the accused persons. He showed his inability to fulfill it. The accused persons used to beat and abuse his daughter. He used to console them. His daughter has a girl child aged about 2½ years. On 26.06.2023 in the night he received an information that his daughter has been murdered by the accused persons by pressing her neck.

5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present case. It is argued while placing para 11, 12 and 13 of the affidavit that the applicant was doing a private job in a company in Noida. He was on duty in Noida at the time of the incident. It is argued that the deceased used to talk on a particular number on the mobile for very long time. Number of calls were done by her. The phone number which was called by the deceased belonged to her Bua. It is argued that the deceased was having

some relationship with someone and she used to talk to that person and when the said fact came to the knowledge of everyone she committed suicide. It is argued that the deceased committing suicide is also suggestive from the postmortem examination report wherein the doctor found a single ligature mark on her body and the cause of death was opined as asphyxia as a result of hanging. It is argued that considering the factum of calls done by the deceased, a co-ordinate Bench of this Court granted bail to co-accused Ramjeet Yadav/father-in-law and Leelawati Devi/mother-in-law of the deceased vide order dated 06.11.2023 passed in CrI. Misc. Bail Application No. 36787 of 2023 (Ramjeet Yadav and another Vs. State of U.P.), copy of the order has been produced before the Court which is taken on record. He further argued that the applicant has no criminal history as stated in para 16 of the affidavit and is in jail since 07.07.2023.

6. Per contra, learned counsel for the first informant and learned counsel for the State opposed the prayer for bail and argued that the applicant is the husband of the deceased and he is named in the FIR and there are allegations against him. The deceased died within seven years of marriage in her matrimonial house. The death is unnatural. There is nothing on record to show that the deceased was talking to anyone. No such evidence has come during investigation to the same. It is argued that there is no reason for false implication of the applicant and as such the prayer for bail of the applicant be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is the husband of the deceased. The applicant is named in the FIR and there are allegations against him. The deceased died within seven years of marriage in her matrimonial house. The death is unnatural. In so far as the deceased was talking to someone is concerned, no such evidence has come during investigation to the same. I do not find it a fit case for bail.

8. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

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

Order Date :- 14.12.2023

M. ARIF

(Samit Gopal, J.)