

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49992 of 2022

Applicant :- Abdul Rahman

Opposite Party :- State of U.P.

Counsel for Applicant :- Vindeshwari Prasad, Gyan Babu Pal, Krishna Kumar Chaurasia, S.K. Mathur

Counsel for Opposite Party :- G.A., Gyanendra Singh, Shyam Kumar Verma

Hon'ble Samit Gopal, J.

1. List revised.
2. Heard Sri Krishna Kumar Chaurasia, learned counsel for the applicant, Sri Shyam Kumar Verma, learned counsel for the first informant, Sri Bade Lal Bind, learned counsel 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-Abdul Rahman, seeking enlargement on bail during trial in connection with Case Crime No.223 of 2020, under Sections 498-A, 304B IPC and 3/4 D.P. Act, registered at Police Station Naraini, District Banda.
4. This is a third bail application. The first and second bail applications of the applicant were dismissed for non-prosecution vide orders dated 16.12.2021 and 23.9.2022 passed by this Court in Criminal Misc. Bail Application Nos.38437 of 2021 and 5652 of 2022.
5. The FIR of the matter was lodged on 28.12.2020 by Abrar Khan against the applicant and four other persons alleging therein that the marriage of his sister Shabana Bano was solemnized with the applicant on 13.11.2018. After the marriage, the accused persons demanded motorcycle and Rs.50,000/- as additional dowry which could not be fulfilled. On 25.12.2020 the accused persons murdered his sister.
6. 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 that postmortem report of the deceased shows that there was single ligature mark on the body of the deceased and cause of death was opined as asphyxia

due to ante-mortem hanging which is suggestive of suicide. While placing para nos.12 and 13 of the affidavit it is argued that after marriage the deceased advised the applicant to live in her parental house which was denied by the applicant due to which she got disturbed and committed suicide. It has also been pointed out that the applicant is not having any criminal history as stated in para 17 of the affidavit and is in jail since 5.1.2021.

7. Per contra learned counsel for the first informant and learned counsel for the State vehemently opposed the prayer for bail and argued that the deceased died within seven years of marriage in her matrimonial house. The death is unnatural. There is no convincing reason regarding death of the deceased in her matrimonial house, as such bail application of the applicant be rejected.

8. After hearing the counsel for the parties and perusing the record, it is evident that the applicant is the husband of the deceased. The deceased died within two years and one month of marriage in her matrimonial house. The death is unnatural. There is no convincing reason given by the applicant as to how the deceased committed suicide.

9. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is **rejected**.

(Samit Gopal, J.)

Order Date :- 29.11.2023
Gaurav Kuls