

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51352 of 2021

Applicant :- Ramnaresh

Opposite Party :- State of U.P.

Counsel for Applicant :- Brijesh Kumar Pandey, Grijesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 281 of 2021 at Police Station Jagdishpura, District Agra under Section 498A, 304B I.P.C. and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 04.06.2021.

The bail application of the applicant was rejected by the learned trial court on 07.10.2021.

The following arguments made by Shri Umesh Chandra Tiwari holding brief of Shri Brijesh Kumar Pandey, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Rishi Chaddha, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is the husband of the deceased.
2. The applicant never tortured the deceased nor did he demand dowry.
3. The victim suffered injuries in a kitchen accident. She was rushed to the hospital by the applicant for urgent

medical aid.

4. The victim died while she was under medical treatment.

5. The victim did not give any dying declaration against the applicant though she was in conscious state under medical treatment.

6. The first informant is the father of the victim has repudiated the prosecution case and has admitted to the fact that the death was a result of cooking accident.

7. The applicant did not aid or abet the suicide.

8. Prosecution evidence does not connect the applicant with the offence.

9. The applicant does not have any criminal history apart from this case.

10. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- **Ramnaresh** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the

satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 17.10.2023

Jaswant