

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45749 of 2022

Applicant :- Suraj Ahirwar

Opposite Party :- State of U.P.

Counsel for Applicant :- Om Prakash, Shri Raghavendra Singh

Counsel for Opposite Party :- G.A., Umesh Chandra Prajapati

Hon'ble Sameer Jain, J.

1. Heard Sri Dinesh Kumar Yadav, Advocate holding brief of Shri Raghavendra Singh, learned counsel for the applicant; Sri Umesh Chandra Prajapati, learned counsel for the informant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 161 of 2022, under Sections 302 IPC, Police Station Prem Nagar, District Jhansi, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the applicant and according to the FIR marriage of the applicant was performed with the sister of the informant about 10 years before and after marriage applicant tortured her and demanded money and on 4.5.2022 applicant committed her murder by strangulating her.
4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and baseless and applicant never committed the murder of his wife and only being husband of the deceased, he has been made accused in the present matter.
5. He further submitted that actually one Amir the neighbour of the applicant tortured the deceased and he committed the murder of the deceased.
6. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 5.5.2022 i.e. for almost one and half years.
7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is husband of the deceased and his wife died due to strangulation,

therefore, it is a case of homicidal death and no cogent explanation of her murder has been given by the applicant and therefore, the instant bail should be rejected.

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

9. Considering the fact that applicant is husband of the deceased and his wife died in her matrimonial home due to strangulation and no good reason of her murder could be brought on record by the applicant and the reason given by him, prima facie, appears to be false, in my view, applicant is not entitled to be released on bail.

10. Accordingly, the instant bail application stands ***rejected***.

11. 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.

Order Date :- 3.11.2023

Ankita