

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40673 of 2023

Applicant :- Ramu @ Ram Mohan @ Ram Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Tripathi, Girish Kumar

Counsel for Opposite Party :- G.A., Ajit Kumar, Raghvendra Singh

Hon'ble Sameer Jain, J.

1. Counter affidavit filed today on behalf of the informant is taken on record.
2. Sri Vijay Tripathi, learned counsel for the applicant does not propose to file any rejoinder affidavit.
3. Heard Sri Vijay Tripathi, learned counsel for the applicant, Sri Raj Kishore Mishra, learned Advocate, holding brief of Sri Raghvendra Singh, learned counsel for the informant and Sri Imran Khan, learned AGA, for the State.
4. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.437 of 2023, under Section 306 IPC, Police Station North (Uttar), District Firozabad during pendency of the trial.
5. FIR of the present case was lodged on 14.6.2023 against the applicant and his family members and according to the FIR, marriage of applicant was performed with the deceased on 15.2.2015 and since marriage applicant and his family members were continuously harassing the deceased for four wheeler and on 12.6.2023 informant received an information that his daughter, i.e., deceased has been murdered and applicant and his family members have left their house. It is further mentioned in the FIR that when informant arrived at the house of applicant then found

that his daughter was lying dead and applicant and his family members were not present there and neighbour informed him that his daughter was harassed by applicant and his family members and she had to commit suicide by hanging herself.

6. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and only being husband of the deceased he has been made accused in the present matter after two days.

7. He further submits that admittedly informant came to know about the death of the deceased on 12.6.2023 but he lodged FIR on 14.6.2023 and this fact clearly suggests that after two days a false story of harassment and torture has been cooked up by the informant against the applicant and his family members.

8. He further submits that neighbors of applicant in their statements recorded under Section 161 Cr.P.C. stated that relationship between applicant and his wife was not cordial one but merely on this basis it cannot be said that due to abatement of the applicant deceased committed suicide.

9. He further submits that although as per prosecution case on the left wrist of the deceased it has been written that applicant is responsible for her death but this does not indicate that due to the abatement of the applicant deceased committed suicide and even at this stage it cannot be said that deceased herself endorsed this fact on her wrist.

10. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 14.6.2023.

11. Per contra, learned AGA as well as learned counsel for the

informant opposed the prayer for bail and submitted that there are ample evidence which shows that since marriage applicant and his family members were torturing the deceased and earlier also in the year 2021 applicant assaulted the deceased and after compromise deceased return to the house of applicant, i.e., her matrimonial home but even after compromise applicant and his family members tortured the deceased and only due to their torture, she committed suicide.

12. Learned AGA as well as learned counsel for the informant further argued that as deceased on her wrist specifically written that applicant is responsible for her death, therefore, this fact clearly suggests that due to the abatement of the applicant she committed suicide.

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

14. Applicant is the husband of the deceased and his wife died due to ante mortem hanging.

15. From the perusal of the record it reflects that on the left wrist of the deceased it has been endorsed that applicant is responsible for her death and further about two years before, i.e., in the year 2021 a dispute arose between husband and wife and as per allegation of the wife (since deceased) applicant assaulted her and she was also medically examined and thereafter on compromise she returned to her matrimonial home.

16. The injury report and compromise have been annexed by the learned counsel for the informant in the counter affidavit dated 3.10.2023 and this fact has not been denied by the learned counsel for the applicant.

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

18. Accordingly, the instant bail application is **rejected**.

19. 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 :- 13.10.2023

SKM