

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43489 of 2023

Applicant :- Hariram

Opposite Party :- State of U.P.

Counsel for Applicant :- Raghubir Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Sri Raghubir Singh, learned counsel for the applicant, submits that he could not receive the certified copy of the FIR at the time of filing the instant bail application, therefore, he is filing the same.
2. Certified copy of the FIR filed by applicant is taken on record and marked as "A".
3. Heard Sri Raghubir Singh, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.
4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 224 of 2023, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station South, District Firozabad during pendency of the trial.
5. FIR of the present case was lodged against applicant and his family members and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant on 21.02.2023 and after marriage applicant and his family members did not permit the deceased to talk with the informant i.e. her father and on 15.04.2023 informant received an information that applicant and his family members committed the murder of her daughter i.e. deceased.
6. Learned counsel for the applicant submitted that applicant is

father-in-law of the deceased and only on the basis of general allegation he has been made accused in the present matter. He further submits that initially in the FIR there was no allegation of demand of dowry but when the statement of the informant was recorded then he stated that there was demand of motorcycle.

7. He further submits that deceased died within two months of her marriage but as marriage was performed in Sarva Samaj Sammelan and from the statement of one Dhani Ram, which has been annexed along with instant bail application, it reflects that the expenses of the marriage was also borne by the applicant side, therefore, there was no occasion for the applicant and his family members to make any demand of dowry.

8. He further submits that actually deceased was not happy with her marriage with the son of applicant, therefore, she committed suicide. He further submits that as per post mortem report, she died due to hanging.

9. He further submits that bail application of co-accused Urmila Devi, who is the mother-in-law of the deceased, has been allowed by this Court vide order dated 9.10.2023 passed in Criminal Misc.Bail Application No.42794 of 2023 and the case of applicant is at par with her.

10. He further submits that applicant is the father-in-law of the deceased and in the present matter he is in jail since 17.4.2023.

11. Per contra, learned AGA opposed the prayer for bail and submitted that deceased died within two months of her marriage under abnormal circumstances and there is also allegation of

demand of dowry but could not dispute the fact that applicant is father-in-law of the deceased and there is no specific demand of dowry against him and marriage of the deceased was performed with the son of the applicant in Sarva Samaj Sammelan. He also could not dispute the fact that the bail application of mother-in-law of the deceased has been allowed by this Court.

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

13. Applicant is father-in-law of the deceased and there is no specific allegation against him and post mortem report of the deceased suggests that deceased died due to hanging.

14. Further, from the statement of Dhani Ram, which has been annexed as Annexure-6 to the affidavit, it appears that marriage of the deceased was performed with the son of the applicant in Sarva Samaj Sammelan and even the expenses of the marriage was borne by the applicant side.

15. Further, bail application of co-accused Urmila Devi, who is the mother-in-law of the deceased, has been allowed by this Court on merit and the case of applicant is at par with her and applicant is father-in-law of the deceased and in the present matter he is in jail since 17.4.2023.

16. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

17. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

18. Let the applicant -**Hariram** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

19. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

20. 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 :- 12.10.2023

SKM