

Court No. - 37

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41776 of 2023

Applicant :- Dharmendra Alias Lalu

Opposite Party :- State of U.P.

Counsel for Applicant :- Vimlendu Tripathi, Satyanand Tripathi

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

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Session Case No.1200 of 2023, Case Crime No.110 of 2023 at Police Station-Ushait, District-Budaun under Sections 498A, 304B IPC and Section 3/4 of the Dowry Prohibition Act. The applicant is in jail since 06.05.2023.

The bail application of the applicant was rejected by the learned trial court on 08.08.2023.

The following arguments made by Shri Vimlendu Tripathi, learned counsel and Shri Satyanand Tripathi, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the husband of the deceased.
2. The applicant never demanded dowry or tortured the deceased. The applicant had a harmonious relation with the deceased-wife.
3. The applicant is bereaved by the death of his wife.

4. The deceased was a temperamental lady who was prone to extreme reactions over trivial issues.
5. On the fateful day, in a fit of rage the deceased succumbed to depression and took the extreme step of ending her life. She committed suicide by hanging.
6. The post mortem report opines that:
 - (i) The cause of death is asphyxia due to antemortem hanging.
 - (ii) No abnormality was detected in the hyoid bone.
 - (iii) Ligature marks were consistent with the hanging.
7. The applicant and his family promptly informed the parents of the deceased.
8. The applicant did not abet or instigate the deceased to commit suicide.
9. Learned counsel for the applicant claims congruency in role and seeks parity in relief granted to co-accused persons namely-Balveer and Smt. Bhoga Devi who have been granted bail by this Court on 13.07.2023 and 25.07.2023 in Criminal Misc. Bail Application No.29444 of 2023 and Criminal Misc. Bail Application No.32459 of 2023 respectively.
10. The applicant does not have any criminal history apart from this case.
11. The applicant is not a flight risk. The applicant being a

law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court 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-Dharmendra Alias Lalu 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 :- 7.12.2023

Ashish Tripathi