

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44696 of 2023

Applicant :- Ramakant Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Daksha Yadav

Counsel for Opposite Party :- G.A.,Deeksha Gupta,Siddharth Srivastava

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 45 of 2023 at Police Station-Jahanaganj, District-Azamgarh under Section 498-A, 304-B, 506 IPC and Section 3/4 D.P. Act. The applicant is in jail since 12.02.2023.

The bail application of the applicant was rejected by the learned trial court on 23.08.2023.

The following arguments made by Shri Daksha Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Siddharth Srivastava, learned counsel and Ms. Deeksha Gupta, learned counsel on behalf of the informant and 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 harassed the deceased nor

did he demand dowry.

3. The deceased was under the spell of witch doctors. She became mentally ill on account of the spurious medical advice and procedures advised by the said witch doctors.

4. On the fateful day, she succumbed to depression and took the extreme step of ending her life. She committed suicide by hanging.

5. The postmortem report opines the cause of death as asphyxia due to antemortem hanging.

6. Injuries depicted in the post mortem report consistent with hanging are:

(i). Nature of ligature marks.

7. The applicant did not abet or instigate the deceased to commit suicide.

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

9. The prerequisites for attracting the presumptions under Section 304B IPC are not made out in the facts and circumstances and evidence of the case.

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 join the trial proceedings. There is no possibility of her 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-**Ramakant Yadav** 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 :- 7.11.2023

Vandit