

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42160 of 2023

Applicant :- Jabar Singh And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Sukesh Kumar

Counsel for Opposite Party :- G.A., Mukesh Kumar

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Sukesh Kumar, learned counsel for the applicants, Sri Mukesh Kumar, learned counsel for the first informant and Sri Ram Prakash Shukla, learned counsel for the State and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicants **Jabar Singh** and **Anita Devi**, seeking enlargement on bail during trial in connection with Case Crime No. 248 of 2023, under Sections 498-A, 304-B IPC and Section 3/4 D.P. Act, registered at P.S. Bakewar, District Etawah.
4. The FIR of the matter has been lodged on 16.06.2023 against the applicants and five other persons alleging therein that Sikha the daughter of the informant was married to Deepak Kumar the son of the applicants five years back. After one year of marriage, there was a demand of dowry by the accused persons due to which the deceased used to be physically and mentally tortured in spite of Rs. 5 lakhs being spent in the marriage and gifts of Rs. 50,000/- was given to them. On 15.06.2023 his daughter was assaulted and murdered. Information was given to him by neighbours after which he went there and found his daughter to be dead.
5. Learned counsel for the applicants argued that the applicants are the father-in-law and mother-in-law respectively of the deceased Sikha. It is argued that the applicants were living separately from that of their son and daughter-in-law. Para 17 of the affidavit has been placed before the Court. Further while placing para 18 of the affidavit it is argued that the deceased committed suicide as she was not happy with her matrimonial life. It is argued that there was

never any demand of dowry by the applicants and other accused persons. It is further argued that during investigation, the names of Nisha Devi the nand, Shailendra Kumar the jeth, Soni Devi the jethani and Girand Kumar the devar of the deceased have been exonerated by the Investigating Officer. It is argued that charge sheet in the matter has been submitted against the applicants and other accused persons. It is argued that the applicants are suffering from several diseases. He further argued that the applicants have no criminal history as stated in para 23 of the affidavit and are in jail since 17.06.2023.

6. Per contra, learned counsel for the first informant and learned counsel for the State opposed the prayer for bail. It is argued that the applicants are the father-in-law and mother-in-law of the deceased Sikha. It is further argued that the deceased was found to have received two contusions and two abrasions on her body. On internal examinations there was laceration and congestion found of cerebral vessels and there was clotted blood present in the brain and on mid parietal region the underlying bone was fractured. The cause of death was opined as coma due to antemortem head injury. It is argued that the same does not in any manner go to show that the deceased committed suicide. It is argued that there is no reason for false implication of the applicants and as such the prayer for bail of the applicants be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the deceased Sikha was married with Deepak Kumar the son of the applicants five years ago. The deceased died in her matrimonial house. She was found to have received serious injuries on her head with fracture and hematoma of the brain. The cause of death is coma as a result of antemortem head injury. I do not find it a fit case for bail.

8. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, ***rejected***.

Order Date :- 17.10.2023

M. ARIF

(Samit Gopal, J.)