

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49467 of 2023

Applicant :- Akash

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Anil Kumar, learned counsel for the applicant 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 applicant-Akash, seeking enlargement on bail during trial in connection with Case Crime No. 178 of 2022, under sections 498-A, 304-B, 302 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Sahawar, District Kasganj.
4. The F.I.R. of the present matter was lodged on 09.07.2022 by Smt. Laxmi Devi against the applicant and three other persons alleging therein that her daughter Rakhi Kumari was married to the applicant around four years back. She has given gifts and dowry as per her status. The accused persons were not happy and there was a demand of additional dowry in the shape of Rs. 5 lakh and a motorcycle. Due to the non fulfilment of the same the accused persons have murdered her daughter.
5. It is argued by learned counsel for the applicant that although the applicant is husband of the deceased but has been falsely implicated. It is argued that the deceased fell from the stairs and received the injuries and died. It is argued that the applicant is not involved in the present matter. The applicant neither tortured the deceased nor made any demand of dowry. It is argued that the death of the deceased was a natural death after falling from the stairs in the house. Para 14 of the affidavit has been placed before this Court. It is argued that the applicant has no criminal history as stated in para 23 of the affidavit and is in jail since 11.07.2022.
6. Per contra learned counsel for the State vehemently opposed

the prayer for bail and argued that the deceased had received 12 injuries on her person. There was even internal damages to the organs. Cause of death is opined as shock and haemorrhage as a result of anti mortem injuries. The deceased died within four years of marriage in her matrimonial house and the death is unnatural. It is further argued that the F.I.R., the statement of the witnesses and medical evidence corroborates each other. It is argued that there is no convincing reason given by the applicant regarding the death of his wife in his house.

7. After hearing the counsel for the parties and perusing the record, it is apparent that applicant is the husband of the deceased who died within four years of the marriage in her matrimonial house. She has received 12 injuries with internal damages to her organs. Cause of death is opined as shock and haemorrhage as a result of anti mortem injuries.

8. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is **rejected**.

Order Date :- 21.11.2023

K.K. Maurya

(Samit Gopal,J.)