

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43937 of 2023

Applicant :- Dan Sahai

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 314 of 2023 at Police Station Atrauli District Aligarh under Section 498A, 304B I.P.C. and Section 3/4 Dowry Prohibition Act. The applicant is in jail since 20.07.2023.

The bail application of the applicant was rejected by the learned trial court on 04.09.2023.

The following arguments made by Shri Manoj Kumar Tiwari, 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 father-in-law of the deceased.
2. The applicant did not torture the deceased nor demanded dowry.
3. The applicant never interfered in the marital life of the deceased and her husband. The applicant is bereaved by

the death of his daughter-in-law.

4. On the fateful day, the deceased complained of physical uneasiness to her husband who rushed her to the hospital but to no avail.

5. The postmortem report opines that the cause of death could not be ascertained.

6. No forensic science laboratory report analyzing the viscera sample has been produced by the prosecution till date.

7. The applicant did not aid or abet the suicide.

8. The applicant cannot be connected with the death of the deceased.

9. The prerequisite for attracting the presumption and the reversing the burden of proof are not established in the facts and circumstances and evidence of the case.

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

11. The applicant does not have any criminal history apart from the instant case.

12. 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 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- **Dan Sahai** 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 :- 27.10.2023
Dhananjai