

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43869 of 2023

Applicant :- Suraj

Opposite Party :- State of U.P.

Counsel for Applicant :- Pawan Shukla, Pramod Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.0029 of 2023 at Police Station-Pipari, District-Kaushambi under Sections 498A, 304B, 323, 504, 506 IPC and Section 3/4 of the D.P. Act. The applicant is in jail since 05.02.2023.

The bail application of the applicant was rejected by the learned trial court on 28.09.2023.

The following arguments made by Shri Pawan Shukla, learned counsel assisted by Shri Kumar Anand, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Pradeep Kumar, learned counsel for 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 had harmonious relations with his wife.
3. The applicant did not harass the deceased or he demand dowry.

4. The deceased had a running feud with some family members of the applicant who set the deceased on fire on the fateful day.

5. The applicant promptly rushed the deceased to the hospital for medical aid but to no avail.

6. The deceased in her dying declaration did not nominate the applicant as the principal offender but identified the other family members of the applicant who had burnt her alive.

7. The applicant does not have any criminal history apart from this case.

8. 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-Suraj 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 :- 16.10.2023

Ashish Tripathi