

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52177 of 2022

Applicant :- Vikki Paswan

Opposite Party :- State of U.P.

Counsel for Applicant :- Gautam Dubey, Ganesh Pandey, Gauri Dubey, Himanshu Kuamr, Rajesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. List revised.
2. Heard Sri Ganesh Pandey, learned counsel for the applicant, Sri Birendra Pratap Singh, learned A.G.A. and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant Vikki Paswan, seeking enlargement on bail during trial in connection with Case Crime No.99 of 2021, under Sections 498A, 304B IPC and 3/4 D.P. Act, registered at P.S. Sakaldeeha, District Chandauli.
4. The F.I.R. of the matter was lodged on 14.6.2021 by Rajesh Kumar Paswan against the applicant, Jiachhi Devi and Bechu Paswan with the allegation that his sister Meera Devi was married to the applicant on 28.5.2020 and after marriage the accused persons started demanding Rs.1 lakh and a two wheeler and started torture and assault on his sister. On 12.5.2021 the accused persons assaulted his sister and threatened her of throwing out of the house. On 12.6.2021 he received an information that his sister has been murdered by the accused persons. He went there and found his sister to be dead. The F.I.R. thus be lodged and appropriate action be taken.
5. Learned counsel for the applicant argued that although the applicant is husband of the deceased but he has been falsely implicated in the present case. It is argued that the present case is case of suicide which is also suggestive from the post mortem examination as the doctor conducting post mortem, has opined the cause of death as asphyxia as a result of ante mortem hanging. It is argued that investigation in the matter concluded and charge sheet has been submitted against the applicant and Jiachhi Devi but the police found implication of Bechu Paswan to be false and hence a final report in his favour has been submitted, para-10 of the affidavit has been placed for the same. Para-11 and annexure no.5 of the affidavit have been placed and it is argued that co-accused Jiachhi Devi the mother-in-law of the deceased, has been granted bail by a co-ordinate Bench of this Court vide order dated 8.2.2022. It is argued that the deceased committed suicide as there was some dispute between her and her husband (the applicant) with regards to purchase of a mobile phone. It is argued that the applicant is having no criminal history as stated in para-18 and is in jail since 14.6.2021(para-16).
6. Per contra, learned AGA opposed the prayer for bail and argued that the applicant is the husband and he is named in the F.I.R. and in the statements

under Section 161 Cr.P.C. and there are allegations against him. The deceased died in her matrimonial house within seven years of her marriage which is unnatural. It is argued that the prayer for bail be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is husband of the deceased. The deceased died within 13 months of her marriage in her matrimonial house. The death is unnatural. There is no convincing reason stated by the applicant who is her husband, as to why she committed suicide in her matrimonial house. In so far as co-accused Jiachhi Devi is concerned, her case is distinguishable with that of the applicant.

8. Looking into the facts and circumstances of the case as well as nature and gravity of the offence, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, rejected.

(Samit Gopal,J.)

Order Date :- 12.12.2023
Naresh