

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52337 of 2022

Applicant :- Harish Chand

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Misra

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Amit Misra, learned counsel for the applicant, Sri Devendra Nath Mishra, 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-Harish Chand seeking enlargement on bail during trial in connection with Case Crime No.211 of 2021 (S.T. No.1437 of 2021), under Sections 498-A, 304-B IPC and 3/4 Dowry Prohibition Act, registered at Police Station Chhata, District Mathura.
4. The FIR of the matter was lodged on 21.6.2021 by Veerpal against the applicant and three other persons alleging therein that the marriage of his daughter Hemlata was solemnized with the applicant on 16.2.2020 in which he had given dowry but her in-laws were not happy and there was demand of additional dowry due to which they used to torture and trouble her. On 20.6.2021 due to non-fulfillment of dowry they assaulted her and murdered her. Report be thus lodged.
5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but has been falsely implicated in the present case. The allegations against the applicant and accused persons are totally vague and general in nature. It is argued that co-accused persons Jaipal, Vimla and Manoj have been granted bail by coordinate Benches of this Court vide orders dated 1.4.2022, 13.9.2022 and 3.8.2022 passed in Criminal Misc. Bail Application Nos.896 of 2022, 38052 of 2022 and 17626 of 2022, copy of the said orders is annexed as annexure no.7 to the affidavit. It is argued that since the allegations are identical and omnibus, the applicant be also released on bail. It is argued that the applicant is not involved in the present case. The charge sheet has been submitted in the present matter. There was no demand of any dowry from the deceased and her family members. The applicant is in jail since 26.6.2021.
6. Per contra learned counsel for the State vehemently opposed

the prayer for bail and argued that the applicant is the husband of the deceased. The deceased died in her matrimonial house after one year and four months of marriage, the death is unnatural and even there is no plausible explanation given by the applicant for the death of his wife, as such bail application be rejected. The cause of death has been opined as neurogenic shock as a result of ante-mortem injuries. The deceased was found to have received eleven injuries on her person.

7. After hearing the counsel for the parties and perusing the record, it is evident that the applicant is the husband of the deceased. The deceased died in her matrimonial house after one year and four months of marriage. The deceased was found to have received eleven injuries on her person. Even the brain was found to have contained hematoma and further under the scalp hematoma was present on middle to right temporal area. There is no plausible explanation given by the applicant for the death of his wife.

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.

(Samit Gopal, J.)

Order Date :- 23.11.2023

Gaurav Kuls