

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43496 of 2023

Applicant :- Daulatram Prajapati

Opposite Party :- State of U.P.

Counsel for Applicant :- Umesh Chandra Prajapati

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri U.C.Prajapati, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.295 of 2023, under Sections under Sections 498A, 304-B and 323 IPC and Section 3/4 Dowry Prohibition Act, Police Station Navabad, District Jhansi during pendency of the trial.
3. FIR of the present case was lodged against the applicant and according to the FIR, marriage of the son of applicant was performed with the deceased on 7.5.2021 and after marriage applicant and his family members tortured her for Rs.Five Lacs and on 9.7.2023 they have committed her murder by hanging her.
4. Learned counsel for the applicant submits that applicant is the father-in-law of the deceased and on the basis of false allegation of demand of dowry and torture he has been made accused in the present matter.
5. He further submits that there is no specific allegation against the applicant and being father-in-law of the deceased he was not having any concern with the family affairs of the deceased.
6. He further submits that actually deceased along with her

husband resided in the separate portion of the house and since marriage she whole time used to talk with her parents and due to this reason some times altercation took place between husband and wife in this regard and in anger she hanged herself.

7. He further submits, from the perusal of the autopsy report of the deceased it appears that she died due to hanging.

8. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 30.9.2023.

9. Per contra, learned AGA although opposed the prayer for bail but could not dispute the fact that applicant is the father-in-law of the deceased and there is no specific allegation against him and as per post mortem report deceased died due to ante mortem hanging.

10. I have heard learned counsel for the parties and perused the record of the case.

11. Considering the fact that applicant is the father-in-law of the deceased and there is no specific allegation against him and deceased died due to hanging, in my view, applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

13. Let the applicant-**Daulatram Prajapati** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates

fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 12.10.2023

SKM