

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43441 of 2023

Applicant :- Piyush Shukla Urf Prkalp Shukla

Opposite Party :- State of U.P.

Counsel for Applicant :- Harish Chandra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Harish Chandra Yadav, learned counsel for the applicant, Sri Ram Prakash Shukla, 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 Piyush Shukla Urf Prkalp Shukla, seeking enlargement on bail during trial in connection with Case Crime No. 283 of 2023, under Sections 498A, 304B IPC and Section 3/4 Dowry Prohibition Act, registered at P.S. Kotwali, District Fatehpur.

4. The F.I.R. of the matter was lodged on 20.4.2023 by Harishchandra Tiwari, against the applicant and three other accused persons alleging therein that his daughter Smt. Rani Devi was married to the applicant on 25.11.2022. After marriage she used to be tortured and harassed. He had given gifts and dowry beyond his status. They used to assault and harass his daughter. There was demand of Rs.2 lakh for purchase of pick-up vehicle. Up to 25.11.2022 she was beaten about 20 times by the accused persons. On 19.4.2023 at about 09.00 p.m. he received call from his daughter that he may bring money otherwise they would murder her. Later on his daughter was murdered by the accused persons. She was having pregnancy of three months.

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 deceased committed suicide and died which is also suggestive from the post mortem report in which she was found to have received single ligature mark on her body and cause of death has been opined as asphyxia as a result of ante mortem hanging. While placing para-17 of the affidavit it is argued that the deceased was a quarrelsome lady and she did not want to live with joint family. She used to misbehave with her in-laws and quarreled on small things and hence the applicant lived separately with her. It is argued that the trial in the present matter is going on in which four prosecution witnesses have been examined and the said witnesses have not supported the prosecution case and have been declared hostile. The applicant is in jail since 21.4.2023.

6. Per contra, learned AGA opposed the prayer for bail and argued that the applicant is husband of the deceased. The deceased died within 07 years of marriage in her matrimonial house. She was having pregnancy of three months also. It is argued that trial in the matter is going on under Sections 498A, 304B I.P.C. and 3/4 D.P. Act with alternate offence under Section 302 I.P.C. It is argued that there is no convincing reason given by the

applicant regarding death of his wife in his house. More so, in para-17 it has been mentioned that he was living separately and as such it is his duty to disclose the reason for death of his wife. It is argued that looking to the said fact, 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 in her matrimonial house within seven years of marriage. She was having pregnancy of three months. There is no convincing reason given by the applicant regarding death of his wife in his house under abnormal circumstances. Death is unnatural.

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 :- 30.11.2023
Naresh