

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45125 of 2023

Applicant :- Pawan Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Yatharth Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. Heard Sri Yatharth Srivastava, learned counsel for the applicant and Sri Ram Prakash Shukla, learned counsel for the State and perused the material on record.

2. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- **Pawan Kumar**, seeking enlargement on bail during trial in connection with Case Crime No. 102 of 2022, under Section 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Ahroura, District Mirzapur.

3. The first information report of the present matter was lodged on 14.06.2022 by Santosh Kumar Singh against the applicant, Raju and Indrawati Devi alleging therein that the marriage of his sister Anita Kumari was solemnized with the applicant Pawan Kumar around five years ago. From the time of marriage there was demand of Rs. 3 lakhs as dowry by the accused persons due to which they used to torture the deceased. On 09.06.2022 Pawan Kumar husband of the deceased came for her *vidai* where also he demanded money by stating that dowry given to him is less. The girl was not ready to go with him and stated that they may kill her. She was consoled and sent. On 10.06.2022 the accused persons murdered his sister. On getting information he reached the place of occurrence and found the door of the room to be bolted from inside but the roof of the room was found open. The accused persons after killing her ran away from roof.

4. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present case. It is argued that the first information report has been lodged after 04 days of the death of the deceased. There is no explanation regarding the delay in lodging of the first information report. It is argued that the family members of the deceased were witnesses of the inquest

but they did not make any complaint whatsoever regarding the death of the deceased being an unnatural death. It is argued while placing paragraph 20 of the affidavit that the deceased used to mainly live in her maternal house and used to remain ill and her treatment was going on for her mental and physical illness. The applicant has no criminal history as stated in para 22 and is in jail since 18.06.2022.

5. *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 within seven years of marriage. It is further argued that first information report speaks of demand of dowry by the applicant and other accused persons and even demand of dowry by the applicant a day before *vidai* of his wife.

6. After having heard learned counsel for the parties and perusing the record, it is evident that the applicant is the husband of the deceased. The deceased died within seven years of marriage in her matrimonial house. In none of the paragraphs of the bail application there is any disclosure as to why the deceased committed suicide. The deceased died on the very next day after her *vidai* and coming to her matrimonial house. The death is unnatural. There is no explanation whatsoever from the side of the applicant regarding the unnatural death of his wife in his house. No ground for bail is made out.

7. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is **rejected**.

Order Date :- 27.10.2023
AS Rathore

(Samit Gopal,J.)