

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44132 of 2023

Applicant :- Avnish Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Amar Nath Vishwakarma, Pramita Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Ankit Singh, Advocate, holding brief of Ms. Pramita Singh, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 316 of 2023, under Sections 304-B, 498-A IPC & 3/4 D.P. Act, Police Station- Kayamganj, District- Farrukhabad, during pendency of the trial in the court below.

3. FIR of the present case was lodged against applicant and his family members and according to the FIR, marriage of the son of the applicant was performed with the deceased on 07.12.2022 and after marriage, applicant and his family members started torturing her for demand of Rs. 10 lacs and on 29.06.2023 informant received an information that applicant and his family members has committed the murder of the deceased.

4. Learned counsel for the applicant submitted 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 submitted that actually some dispute arose between husband and wife and his wife consumed some poisonous substance and immediately after the incident, cousin brother of the applicant has taken the deceased to the hospital but unfortunately she died. He further submitted this fact is evident from the statements of the independent witnesses, which have been annexed as Annexure No. 7 to the affidavit.

6. He further submitted that there is no specific allegation against

the applicant and bail application of mother-in-law of the deceased has been allowed by co-ordinate Bench of this Court and her bail order has been appended alongwith the instant bail application.

7. He further submitted that applicant is not having any criminal history and he is in jail since 19.07.2023.

8. Per contra, learned AGA opposed the prayer for bail and submitted that within six months of her marriage daughter-in-law of the applicant has died under abnormal circumstances and there is also allegation of demand of dowry 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 bail application of mother-in-law of the deceased has been granted by co-ordinate Bench of this Court.

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

10. However, daughter-in-law of the applicant died under abnormal circumstances within six months of her marriage and there is also allegation of demand of dowry but applicant is the father-in-law of the deceased and there is no specific allegation against him.

11. Further, from the perusal of the post-mortem report of the deceased, it appears that cause of death could not be ascertained and from the statements of the independent witnesses, which have been annexed as Annexure No. 7 to the affidavit, it reflects that cousin brother of the applicant has taken the deceased to the hospital, where she was declared dead.

12. Further, mother-in-law of the deceased has granted bail by co-ordinate Bench of this Court and on merit, case of applicant is at par with her.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view applicant is entitled to be released on bail.

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

15. Let the applicant- **Avnish Kumar** 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.

16. 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.

17. 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 :- 17.10.2023

KK Patel