

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44009 of 2023

Applicant :- Sunil Pal @ Sahil Pal

Opposite Party :- State of U.P.

Counsel for Applicant :- Brijesh Kumar Verma,Aakansha Singh Chandraul

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in S.T. No.1071 of 2022, Case Crime No.121 of 2022 at Police Station-Dhata, District-Fatehpur under Sections 498A, 304B IPC and Section 3/4 of the D.P. Act. The applicant is in jail since 11.08.2022.

The bail application of the applicant was rejected by the learned trial court on 06.03.2023.

The following arguments made by Ms. Rafiqua Anis Khan, learned counsel holding brief of Ms. Aakansha Singh Chandraul, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the husband of the deceased.
2. The applicant and the deceased had a harmonious relationship.
3. The applicant never harassed the deceased nor did he demand dowry.

4. The applicant resides in Delhi where he works as a security guard. The deceased wanted to stay with her husband at Delhi and not at his parental village. However, the applicant could not accede to her wishes due to paucity of accommodation and financial constraints at the place of his work.

5. The deceased became depressed because of prolonged separation with her husband.

6. On the fateful day, in a fit of rage the deceased took some poisonous substance. When the poison began to take its effect on her body, she was promptly rushed to the hospital but to no avail.

7. The poisonous substance was recovered from the victim's bed.

8. The applicant did not aid or abet the suicide.

9. The prerequisites for attracting the presumption and reversing the burden of proof are not established in the evidences and fact and circumstances of the case.

10. The applicant does not have any criminal history apart from this case.

11. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing

witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Sunil Pal @ Sahil Pal be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 17.10.2023

Ashish Tripathi