

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44332 of 2023

Applicant :- Ghanshyam Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Dhirendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Devendra Singh, Advocate, holding brief of Sri Dhirendra Pratap Singh, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 254 of 2023, under Sections 498-A 304-B IPC & 3/4 D.P. Act, Police Station- Chiluatal, District- Gorakhpur, 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 applicant was performed with the deceased on 29.11.2021 and after marriage, applicant and his family members tortured her for demand of a Swift Dezire Car and due to torture of the applicant and his family members, informant any how arranged Rs. 2 lacs in January, 2022 but even thereafter applicant and his family members tortured the deceased and after receiving information on 29.05.2023 when informant arrived at matrimonial home of the deceased then found that she had died.

4. Learned counsel for the applicant submitted that applicant is the husband of the deceased and entire allegation made against him is totally false and baseless and actually after marriage, as deceased could not be conceived, therefore, under depression she committed suicide. He further submitted that post-mortem report of the deceased also suggests that she committed suicide as according to the autopsy surgeon, she died due to ante-mortem hanging and her hyoid bone was found intact.

5. He further submitted that applicant is not having any criminal history and he is in jail since 31.5.2023.

6. Per contra, learned AGA opposed the prayer for bail and submitted that deceased died under abnormal circumstances within one and half years of her marriage in her matrimonial home and there is also allegation of demand of dowry and it is hard to believe that within one and half years of her marriage, deceased committed suicide on the ground that she could not be conceived, therefore, applicant should not be released on bail.

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

8. Applicant is the husband of the deceased and his wife died within one and half years of her marriage under abnormal circumstances in her matrimonial home and defence taken by the applicant does not appear to be probable as in support of his defence, there is no medical report of the victim, which can show that she was being treated by any doctor as she failed to conceive even within one and half years of her marriage, therefore, in my view, applicant is not entitled to be released on bail.

9. Accordingly, the instant bail application is **rejected**.

10. 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 :- 18.10.2023

KK Patel