

**Court No. - 69**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44342 of 2023

**Applicant :-** Sanjeev Kumar @ Santu

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Binod Kumar Tripathi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Samit Gopal,J.**

1. Heard Sri Binod Kumar Tripathi, 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- **Sanjeev Kumar @ Santu**, seeking enlargement on bail during trial in connection with Case Crime No. 38 of 2016, under Section 498-A, 304-B, 326 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Nayagaon, District Etah.

3. The first information report of the present case was lodged on 22.02.2016 by Ram Asrey against the applicant and 02 other persons alleging therein that his daughter Neelam was married to the applicant on 30.04.2013 in which he had spent around two lakhs rupees. After marriage the accused persons were demanding Rs. one lakh and a motorcycle as dowry which was told by his daughter to him. They used to torture & harass her. There was panchayat and also settlement at the police station between the parties. Subsequently on 19.02.2016 he came to know that his daughter has been burnt by sprinkling kerosene on her.

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 deceased committed suicide by sprinkling some inflammable material on herself. It is argued that the applicant tried to save the victim and in the process of saving her received burn injuries after which he was medically examined and was found to have received burn marks along with blisters. It is argued that trial in the present mater is going on in which only two witnesses have been examined till date. The applicant is in jail since 24.02.2016 and as such has undergone more than seven years in jail. It is argued that looking to the nature of the case, the

injuries of the applicant and the fact that trial is still not complete and will take a lot of time, the applicant having no criminal history as stated in paragraph 23 be enlarged on bail.

5. *Per contra*, learned counsel for the State vehemently opposed the prayer for bail and argued that the deceased died due to septicemia & shock as a result of antemortem burn injuries. She was found to have received superficial to deep burn all over body. It is argued that the deceased gave a statement during investigation which is a dying declaration in which she has stated of the applicant pouring kerosene upon her and setting her on fire by a match-stick. It is argued that the applicant is involved in the matter.

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 34 months of her marriage in her matrimonial house. The death is unnatural. The dying declaration of the deceased assigns role of the applicant of pouring kerosene upon her and setting her on fire. The cause of death is due to burn injuries. 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**.

8. However, since the trial is of the year 2016 and the applicant is the accused, it is provided that the applicant may file an application for expeditious disposal of the trial of the case before the court concerned within two weeks from today, which may as per its load of work, diary and pendency of cases, pass appropriate orders on the same.

**Order Date :- 18.10.2023**

AS Rathore

(Samit Gopal,J.)