

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44050 of 2023

Applicant :- Abhishek Yadav

Opposite Party :- State Of Up Thru Its Secretary Home

Counsel for Applicant :- Manish Kumar Kashyap, V.P. Singh Kashyap

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No.281 of 2023 at Police Station-Kurawali, District-Mainpuri under Sections 498A, 304B, 201 IPC and Section 3/4 of the D.P. Act. The applicant is in jail since 15.06.2023.

The bail application of the applicant was rejected by the learned trial court on 01.07.2023.

The following arguments made by Shri V.P.Singh Kashyap, 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 did not harass the deceased or demand dowry.
4. The applicant and the deceased got married against the

wishes of their families and were consequently disowned by the latter.

5. The applicant was residing at Noida where he worked for a living. The deceased was staying at the house of the applicant in village.

6. The deceased became depressed due to prolonged separation from her husband.

5. On the fateful day, she complained of physical discomfort and was rushed to the hospital by the younger brother of the applicant where the deceased was declared dead.

6. The brother of the deceased in his subsequent statement before the police authorities has not made any allegation of demand of dowry or torture against the applicant.

7. The delay in lodgment of the F.I.R. in the facts and circumstances of the case is fatal to the prosecution case.

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-Abhishek Yadav 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