

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45015 of 2023

Applicant :- Rajesh Kumar Bind

Opposite Party :- State of U.P.

Counsel for Applicant :- Yatharth Srivastava, Vipin Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Yatharth Srivastava, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.130 of 2023, under Sections 498A, 304-B and 302 IPC and Section 3/4 Dowry Prohibition Act, Police Station Balua, District Chandouli during pendency of the trial.
3. FIR of the present case was lodged against the applicant and his son and according to the FIR, marriage of the son of applicant was performed with the deceased on 28.5.2019 and after marriage applicant and his son tortured the deceased for dowry and in the night of 19/20.6.2023 applicant and his son committed her murder by hanging her.
4. Learned counsel for the applicant submits that entire allegation made against the applicant is totally false and baseless and only being father-in-law of the deceased he has been made accused in the present matter.
5. He further submits that there is no specific allegation against the applicant and FIR of the present case appears to be vague.
6. He further submits that deceased used to reside in her paternal home most of the time after her marriage and if some dispute

arose between husband and wife then being father-in-law applicant is not aware and he is not in a position to explain how his daughter-in-law died.

7. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter jail since 28.6.2023.

8. Per contra, learned AGA opposed the prayer for bail and submits that daughter-in-law of applicant died within four years of her marriage by strangulation, therefore, it is a case of homicidal death and applicant miserably failed to explain the homicidal death of his daughter-in-law and, therefore, applicant should not be released on bail.

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

10. Applicant is the father-in-law of the deceased and his daughter-in-law died due to strangulation in her matrimonial home within four years of her marriage therefore, it appears to be a case of homicidal death and applicant failed to explain death of his daughter-in-law.

11. Therefore, from the discussions made above, in my view, applicant is not entitled to be released on bail.

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

13. 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 :- 27.10.2023
SKM

