

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44826 of 2023

**Applicant :-** Sarju Prasad

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

**Counsel for Applicant :-** Rama Shankar Mishra

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

**Hon'ble Sameer Jain,J.**

1. Heard Sri Rama Shankar Mishra, learned counsel for the applicant and Sri Manoj Kumar Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 165 of 2023, under Sections 498A, 304 B IPC and 3/4 D.P. Act, Police Station Sadiabad, District Ghazipur, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the applicant and his family members and according to the FIR, marriage of the son of the applicant was performed with the deceased in the year 2019 and after marriage, applicant and his family members tortured her for demand of dowry and on 28.7.2023 applicant and his family members committed the murder of the deceased by hanging her.
4. Learned counsel for the applicant submitted that applicant is father in law of the deceased and on the basis of false allegation of demand of dowry and torture, he has been made accused in the present matter.
5. He further submitted that deceased was not happy with her marriage with the son of the applicant and therefore, she committed suicide and this fact is even evident from her suicide note which has been procured by the Investigating Officer during investigation and it has been annexed as annexure 6 to the affidavit.
6. He further submitted that from the perusal of the suicide note of the deceased, it appears that she was having some grudge with her mother in law but she did not make any allegation against her father in law i.e. applicant.
7. He further submitted that post mortem report of the deceased

shows that she died due to hanging.

8. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 30.7.2023.

9. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is father in law of the deceased and deceased in her suicide note did not make any allegation against him.

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

11. Considering the fact that deceased in her suicide note did not make any allegation against the applicant and post mortem of the deceased suggests that she died due to hanging, in my view, applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

13. Let the applicant-**Sarju Prasad**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. 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 :- 26.10.2023/Ankita**