

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46311 of 2023

Applicant :- Veerpal

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Singh Patel, Muzzamil Jahid Ansari

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. Heard Sri Deepak Singh Patel, learned counsel for the applicant and Sri Bade Lal Bind, 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- **Veerpal**, seeking enlargement on bail during trial in connection with Case Crime No. 161 of 2022, under Section 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Bhuta, District Bareilly.

3. The first information report of the present matter was lodged on 17.04.2022 by Deen Dayal on the basis of an application moved under Section 156 (3) Cr.P.C. against the applicant and 04 other persons alleging therein that his daughter Manisha was married to the applicant around 05 years back. The accused persons used to torture her. There was demand of a bullet motorcycle and Rs. 02 lakh cash. He had spent around Rs. 06 lakhs in the marriage and had given dowry. The accused persons due to demand of dowry used to torture and harass her. He and his wife tried to console them but they did not mend their ways. A panchayat was also convened regarding the same. On 12.06.2021 Veerpal the applicant took Manisha to her matrimonial house from the house of the informant. When the informant went to meet her daughter she told her that the accused persons are demanding dowry and are troubling her. On 12.08.2021 he received an information that his daughter is unwell and the accused persons have forcibly given her some poisonous substance to eat after which she was assaulted and has received injuries. She died in the house on 13.08.2021.

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 application under Section 156 (3) Cr.P.C. has been moved after a great delay by the first informant in as much as the deceased died on 13.08.2021 but the same was moved on 01.12.2021. It is argued that moving of an application under Section 156 (3) Cr.P.C. itself would go to show that there has been intervention of lawyers who have concocted the entire story and have moved the said application for false implication of the applicant and his family members. It is argued that the first informant in his statement recorded under Section 161 Cr.P.C. has stated that he went to the hospital where he came to know that the deceased has died due to poison. It is argued that the applicant is

not involved in the present matter. It is argued while placing paragraph 10 of the affidavit that the applicant went to Haryana to earn his livelihood where he was made aware of the incident then he rushed to his house. The applicant has no criminal history as stated in para 26 and is in jail since 05.01.2023.

5. *Per contra*, learned counsel for the State vehemently opposed the prayer for bail and argued that the applicant is the husband of the deceased. The deceased died within seven years of marriage in her matrimonial house. It is argued that the statement of the first informant would go to show that there was an oral dying declaration given by the deceased to her mother wherein she has stated that the accused persons made her to eat some poisonous substance. It is argued that the death of the deceased has taken place in her matrimonial house which is unnatural.

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 seven years of marriage in her matrimonial house. In as much as the alibi of the applicant is concerned, the same needs to be proved in trial. Further there is an allegation against the applicant and other accused persons of demand of dowry, torture and harassment of the deceased. The death of the deceased is unnatural in her matrimonial house. 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**.

Order Date :- 2.11.2023
AS Rathore

(Samit Gopal,J.)