

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45937 of 2023

Applicant :- Kapil

Opposite Party :- State of U.P.

Counsel for Applicant :- Pushpendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Supplementary affidavit filed today in Court is taken on record.
2. Heard learned counsel for the applicant, learned AGA and perused the record.
3. The FIR in question was lodged against the entire family members including the applicant, who is the brother-in-law. The name of the applicant was not disclosed in the FIR. Subsequently, the name of the applicant was taken by the victim in her statement after about 2 months.
4. Learned counsel for the applicant argues that bald allegations without there being any justification have been levelled against the entire family members. He also draws my attention to the medical report which does not corroborate the allegation of dousing of petrol etc., as stated in the FIR in question.
5. Learned AGA has opposed the bail application.
6. *Prima-facie*, the case appears to be a misuse of matrimonial laws against the entire family members; the applicant has no criminal antecedent, is brother-in-law and is in custody since 08.10.2023, as such, he is entitled to be enlarged on bail. In view thereof, the application is **allowed**.
7. Let the applicant **Kapil** be released on bail in FIR No.375 of 2023, under Section 498A, 323, 307, 504 IPC & Section 3/4 of Dowry Prohibition Act, P.S. Tappal, District Aligarh on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;
 - (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission;

and

(c) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

Order Date :- 31.10.2023

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