

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45867 of 2023

Applicant :- Rajendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Mohan, Harishchandra Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Harishchandra Dubey, learned counsel for the applicant and Sri Ravi Kant Kushwaha, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 81 of 2023, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Dannahar, District Mainpuri during pendency of the trial.
3. FIR of the present case was lodged against applicant and his family members including his son i.e. husband of the deceased and according to the FIR marriage of the son of applicant was performed with the deceased on 30.06.2021 and after marriage applicant and his family members tortured her for demand of dowry and on 11.04.2023 applicant and his family members committed the murder of the deceased for want of dowry.
4. Learned counsel for the applicant submitted that applicant is father-in-law of the deceased and entire allegation of demand of dowry and torture made in the FIR is totally false and baseless and actually deceased even after two years of her marriage could not conceive, therefore, under depression she committed suicide.
5. He further submits that post mortem report of the deceased suggests that she died due to hanging. He further submits that applicant in the present matter is in jail since 12.06.2023. He further submits that mother-in-law of the deceased has already been enlarged on bail by this Court vide order dated 26.09.2023 passed in Criminal Misc. Bail Application No. 41832 of 2023, therefore, applicant being father-in-law is also entitled to be released on bail.
6. 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 there is no specific allegation against him either in

the FIR or in the statements of witnesses recorded during investigation and post mortem report of the deceased suggests that deceased died due to hanging. He further could not dispute the fact that mother-in-law of the deceased has already been enlarged on bail by this Court.

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

8. Considering the fact that applicant is father-in-law of the deceased and there is no specific allegation made against the applicant and post mortem report of the deceased suggests that deceased died due to hanging and mother-in-law of the deceased has already been enlarged on bail by this Court, in my view, applicant is also entitled to be released on bail.

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

10. Let the applicant - **Rajendra Singh** 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.

11. 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.

12. 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 :- 31.10.2023

AK Pandey