

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46016 of 2023

Applicant :- Ravikant Pandey

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kuamr Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. Shri S.D. Singh Jadaun, Advocate appears on behalf of the applicant and files memo of appearance today in the Court, which is taken on record.
2. Heard Shri S.D. Singh Jadaun, learned counsel for the applicant and Shri Devendra Nath Mishra, learned A.G.A. appearing for the State and perused the record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant-**Ravikant Pandey**, seeking enlargement on bail during trial in connection with Case Crime No. 160 of 2023, under Sections 498-A, 304-B IPC and Section 3/4 D.P. Act, Police Station Delhi Gate, District Aligarh.
4. The first information report of the matter was lodged on 18.05.2023 by Gajendra Upadhyay against the applicant, Meera Pandey, Rohit and Pratibha alleging therein that his sister Beena was married for the second time with Ravikant Pandey (applicant) on 24.11.2022 in which he had given gifts and dowry but her in-laws being the accused were not satisfied with it and were demanding additional dowry of Rs.5,00,000/- and due to demand they used to assault her often and used to mentally torture. He and his relatives consoled the in-laws many times but they did not adhere to it and used to trouble his sister. On 17.05.2023 at about 4:00 P.M., his sister called him and stated that the accused persons are demanding money and assaulting her, she started crying on phone call. He heard sound of shout and shrieks, he told his sister that he is outside and would come to her matrimonial house after some time. At about 7:30 P.M. he received information that due to the beating, Beena has been murdered by the accused persons.
5. Learned counsel for the applicant argued that the applicant

although is husband of the deceased but he has been falsely implicated in the present case. It is argued that as per first information report itself and the prosecution case, the marriage of the deceased Beena was a second marriage with the applicant. It is argued that the said marriage was with consent of both the parties and as such there were no chances of any dowry being demanded. It is argued that the deceased died by committing suicide as would be apparent from the postmortem examination report wherein the doctor opined the cause of death asphyxia as a result of antemortem hanging. It is further argued that the deceased was having some relationship with a person named Nakul and there were chats between them. The conversion has been placed before the Court which is annexure-10 to the affidavit. It is argued that looking to the said conversions, it is clear that the deceased was in some relationship with the said person Nakul. It is argued that the applicant is a capable person and is a businessman and as such there was no reason for him to demand any dowry. It is further argued that the applicant has no criminal history as stated in para-22 of the affidavit. The applicant is in jail since 19.05.2023.

6. Per contra, learned counsel for the State opposed the prayer for bail.

7. After having heard the learned counsel for the parties and perusing the records, it is evident that applicant is the husband of the deceased. The deceased died within seven years of marriage in her matrimonial house. The death is unnatural. The doctor while conducting the postmortem examination report found contused swelling on the right side occipital area with bluish colour from right ear apart from the ligature mark on her body, the same would go to show of some assault on her. There is no reason convincing stated by the applicant regarding the death of his wife in his house. Insofar as the conversions and chats between the deceased and said persons Nakul is concerned, the same is a matter of trial for which evidence has to be led and produced in the trial.

8. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is **rejected**.

Order Date :- 29.11.2023

Mukesh Kr.

(Samit Gopal,J.)