

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47188 of 2023

Applicant :- Jaykaran

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Deepak Singh, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 249 of 2023, under Sections 498-A, 304-B, 316 IPC & 3/4 D.P. Act, Police Station- Baburu, District- Banda, 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 daughter of the informant on 18.05.2022 and after marriage, applicant and his family members tortured her for Rs. 3 lacs and on 23.05.2023, applicant and his family members committed her murder.
4. Learned counsel for the applicant submitted that applicant is the father-in-law of the deceased and on the basis of general allegation, he has been made accused in the present matter. He further submitted that it appears that in the FIR main allegation is against the husband of the deceased. He further submitted that applicant neither ever tortured the deceased nor he ever demanded any dowry.
5. He further submitted that from Annexure No. 5 of the affidavit, the letter written by the deceased, it appears that she committed suicide. He further submitted that from the letter, it is apparent that it is not a case of dowry death. He further submitted that applicant is the father-in-law of the deceased and he was having no concern with family affairs of the deceased and her husband. He further submitted that post-mortem report of the deceased suggests that she died due to hanging.
6. He further submitted that applicant is not having any criminal history and he is in jail since 02.06.2023.

7. Per contra, learned AGA opposed the prayer for bail and submitted that daughter-in-law of the applicant, committed suicide within one year of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry.

8. He further submitted that even from Annexure No. 5 to the affidavit, it appears that deceased was tortured with regard to her character and she was also pregnant at the time of her death and, therefore, it appears that along with the demand of dowry, applicant and his family members also tortured her for character and under depression, she committed suicide and, therefore, applicant, who was father-in-law of the deceased, being head of the family, should not be released on bail.

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

10. However, from the record, it appears that applicant is the father-in-law of the deceased and deceased died due to hanging but from Annexure No. 5 of the affidavit, it appears that deceased was also tortured with regard to her character and she was in deep pain with regard to her character assassination. In paragraph no. 9 of the instant bail application, applicant specifically averred that deceased was having love affair with another boy and her marriage was performed with the son of the applicant against her wishes and, therefore, again in paragraph no. 9, even after the death of the deceased, applicant assassinated her character.

11. Further, from the post-mortem report of the deceased, it appears that at the time of death, she was pregnant.

12. Therefore, considering the facts and circumstances of the case discussed above, particularly the fact that applicant, being father-in-law, was head of the family, in my view, applicant is not entitled to be released on bail.

13. Accordingly, the instant bail application is **rejected**.

14. 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 :- 6.11.2023 / KK Patel