

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46644 of 2023

Applicant :- Raman Man

Opposite Party :- State of U.P.

Counsel for Applicant :- Archit Mandhyan

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard Sri Gopal Chaturvedi, learned Senior Advocate assisted by Sri Archit Mandhyan, learned counsel for the applicant as well as learned A.G.A. and Sri Anil Kumar Shukla, learned Counsel for the complainant and perused the record.

2. The FIR in question was lodged by the informant against the entire family members including the applicant, who is the husband of the informant. It was alleged in the FIR that the applicant and the informant got married on 24.04.2022 and since then, there was a continuous demand of dowry at the instance of the entire family members. It was also alleged that the informant was beaten up by the entire family members and the demand of Rs.10/- crores was made. It was further stated that in furtherance of the said demand on 02.05.2022, the informant was thrown out of the house and subsequently, on account of intervention, the informant returned to the matrimonial home on 10.06.2023. It is alleged that subsequent thereto also the demand was being made continuously. It is alleged that on 20.07.2023, at the house situated at Malviya Nagar, Delhi, the informant was beaten by iron rod and the other family members also tried to throttle the informant, which resulted into fractured of the ribs and the same was treated at the Government Hospital on 20.07.2022. It was further stated that even after the said incident, with a view to save the marriage, the informant stayed with the matrimonial family and it was further alleged that on 01.09.2022, the entire family had beaten the informant with the use of iron rod which resulted into substantial injury on the head. It is further stated that even after the said incident, the informant stayed in the matrimonial home. It was further alleged that on 19.10.2022, the applicant forced the informant to have physical relation with one of his friend, who had committed rape and she was also thrown out from the house on 19.10.2022 at about 3:00 am in the night. It was further stated that on the next day, i.e. 20.10.2022 at about 11:00 am, the applicant came to the home of the informant and

started physical abusing and caused injury and thereafter, the FIR was lodged for the first time on 20.10.2022 at Police Station Surajpur in the light of the allegations contained in the FIR.

3. The Counsel for the applicant argues that the father-in-law and the mother-in-law of the informant have been enlarged on anticipatory bail. The sister of the applicant applied for anticipatory bail, which was denied and the special appeal preferred against the same was also dismissed by the Hon'ble Supreme Court. It was further argued that a highly exaggerated incident has been narrated in the FIR so as to somehow falsely implicate the entire family member of the applicant. He further argues that the matrimonial relations in between the applicant and the informant appears to have gone sour and in fact a divorce proceedings have also been filed by the applicant, which was pending. He argues that subsequently based upon the investigation, the charge under Section 307 IPC was removed and the applicant was charged under Sections 498A, 323, 325, 308, 504, 506, 377 read with Section 3/4 of the Dowry Prohibition Act. He argues that in the entire medical report, *prima facie*, there is no material so as to substantiate the ingredients of Section 377 IPC except for the statement of the victim and thus, *prima facie*, no case can be said to be made out under Section 377 IPC. As regards the other offences, he argues that same are punishable for a term of less than seven years and thus, in view of the law laid down in the case of ***Satendra Kumar Antil vs Central Bureau of Investigation and another; (2021) 10 SCC 773***, the applicant should be enlarged on bail. The applicant has no criminal antecedents and he shall co-operate with the trial.

4. The Counsel for the informant, on the other hand, opposed the bail prayer by arguing that the nature of the injuries sustained in two incidents are corroborated with the medical report which indicates fracture in the parietal bone, thus, no leniency should be shown against the applicant and the bail application of the applicant, who is the husband of the informant, should be rejected. He further argues that the applicant did not co-operate with the investigation.

5. Learned A.G.A. also vehemently opposed the bail prayer.

6. Considering the submissions made at the bar and recorded hereinabove, *prima facie*, the offence under Section 377 IPC cannot be said to be made out on the basis of the material including the medical report, which is on record and as regards the other offences, they are punishable for a term of less than 7 years, the applicant has no criminal antecedents, the applicant is

in custody since 06.09.2023 and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the investigation or trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.

7. Accordingly, the bail application is ***allowed***.

8. Let the applicant Raman Man be released on bail in FIR/ Case Crime No.690 of 2022, under Sections 498A, 323, 325, 308, 377, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Surajpur, District Gautam Budh Nagar on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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 :- 2.11.2023

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