

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46332 of 2023

Applicant :- Rajendra Verma

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Bahadur Shivhare

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicants have prayed to be enlarged on bail in Case Case No.102 of 2023 at Police Station-Muskara, District-Hamirpur under Sections 498A, 304B IPC and Section 3/4 Dowry Prohibition Act. The applicant is in jail since 07.06.2023.

The bail application of the applicant was rejected by learned trial court on 05.10.2023.

The following arguments made by Shri Vijay Bahadur Shivhare, learned counsel assisted by Shri Hemraj, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Sri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

- (1) The applicant is father-in-law of the deceased.
- (2) The applicant did not harass the deceased or demand dowry.
- (3) The applicant never interfered in the marital life of the deceased and her husband
- (4) The deceased was a temperamental lady who was depressed by financial support provided by the applicant

to his daughter and son-in-law who were in financial distress.

(5). On the fateful day, she succumbed to depression and took the extreme step of ending her life. She committed suicide by hanging.

(6). The postmortem report opines the cause of death as asphyxia due to antemortem hanging.

(7). Injuries depicted in the postmortem report consistent with hanging are:

(i) Ligature mark.

(ii) The hyoid bone was intact.

(8). The applicant did not aid or abet the suicide.

(9) The prerequisites for attracting the presumption and the reversing the burden of proof are not established in the facts and circumstances and evidence of the case.

(10) The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join in the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

However, learned AGA points out that the applicant has one more criminal case under the Electricity Act.

Rejoining the issue and relying on the instructions

received by the learned A.G.A., learned counsel for the applicant contends that the applicant is a poor person who is in jail. The applicant does not have an effective pairakar. Hence the details of the said cases could not be searched out and stated in the bail application in the first instance. However, from the records available with the AGA and on instructions obtained from the applicant, it is contended that the applicant is a convenient scapegoat for the police to falsely implicate him in the said case only to show the proficiency of the police investigators. The applicant is regularly paid his electricity bills. The said criminal case have no bearing on the instant case.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Rajendra Verma be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 2.11.2023/Ashish Tripathi