

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46653 of 2023

Applicant :- Shyam Babu

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Srivastava

Counsel for Opposite Party :- G.A.,Shobh Nath Pal

Hon'ble Ajay Bhanot,J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 348 of 2023 at Police Station- Kanth, District- Shahjahanpur under Sections 498A, 306, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 26.06.2023.

The bail application of the applicant was rejected by the learned trial court on 22.09.2023.

The following arguments made by Shri Sunil Kumar Srivastava, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Sri Rishi Chaddha, learned AGA and Sri Shobh Nath Pal, learned counsel for the informant from the record, entitle the applicant for grant of bail:

1. The applicant is the husband of the deceased.
2. The applicant never harassed the deceased nor did he demand dowry.
3. The deceased was a temperamental lady who was prone to extreme reactions over trivial issues.
4. On the fateful day the brother of the victim had come

to meet her and after some heated argument between the two she took the extreme step of committing suicide.

5. The postmortem report opines the cause of death as asphyxia due to antemortem hanging.

6. Injuries depicted in the postmortem report consistent with hanging are:

(i) Nature of ligature mark.

(ii). The hyoid bone was intact.

7. The applicant did not aid or abet the suicide.

8. Prosecution evidence do not connect the applicant with the offence.

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 does not have any criminal history apart from the instant case.

11. The applicant is not flight risk. The applicant being law abiding citizen have always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of their influencing witnesses, tampering with the evidence or reoffending.

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- Shyam Babu 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

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