

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12192 of 2023

Applicant :- Chhabila Ram

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Aniruddh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Aniruddh Kumar, learned counsel for the applicant, Sri Ashutosh Srivastava, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.132 of 2023, under Sections 498-A, 304-B, 504, 506, 507 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Karimuddinpur, District Ghazipur, during the pendency of trial.
4. As per prosecution story, the marriage of daughter of the informant was solemnized with the son of the applicant Shailesh Ram as per Hindu rites in the month of June, 2019. The applicant and his son are stated to have demanded dowry of Rs.2 lakh from the daughter of the informant, thereby they are stated to have subjected her to cruelty leading to her death within the precincts of their house on 27.8.2023 at about 02:00 a.m. The applicant is stated to have hanged her to the ceiling fan, thereby causing her death.
5. Learned counsel for the applicant has submitted that he has been falsely implicated in the present case. The applicant lives separately and has nothing to do with the said offence. The son of the applicant was also not residing at the house at the time of offence and he was at job in Delhi. The applicant has no criminal history to his credit. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.
6. Per contra, learned AGA has vehemently opposed the anticipatory bail application on the ground that the cause of

death is asphyxia as a result of antemortem hanging and the deceased had expired within the precincts of house of the applicant. Learned A.G.A. has further stated that the allegations are against the applicant and not the husband Shailesh Ram, as such, he is not entitled for anticipatory bail.

7. After taking into consideration the rival contentions and the fact that there are particular allegations against the applicant in the FIR and the deceased had expired within the precincts of house of the applicant, I do not find it a fit case for grant of anticipatory bail to the applicant.

8. The present anticipatory bail application is hereby found devoid of merits and is accordingly ***rejected***.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 6.11.2023

Vikas

[Krishan Pahal, J.]