

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48572 of 2023

Applicant :- Roshan Bind

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Learned counsel for the applicant submitted that due to mistake in the prayer clause of the instant bail application alongwith other sections 304 b IPC has been mentioned in place of Section 304 B IPC and therefore, he may be permitted to make necessary correction in the prayer clause of the instant bail application.
2. In view of the above, learned counsel for the applicant is permitted to make necessary correction in the prayer clause of the instant bail application, during the course of the day.
3. Heard Sri Prashant Kumar Tripathi, learned counsel for the applicant and Dr. S.B.Maurya, learned AGA-I for the State-respondent.
4. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 180 of 2023, under Sections 498A, 304B IPC and 3/4 D.P. Act, Police Station Aurai, District Bhadohi, during pendency of the trial in the court below.
5. FIR of the present case was lodged against the applicant and his family members and according to the FIR marriage of the applicant was performed with the daughter of the informant on 28.5.2022 and after marriage applicant and his family members tortured her for Rs. Two Lacs and a motorcycle and on 11.8.2023 informant received an information that due to the torture of the applicant and his family members his daughter has died.
6. Learned counsel for the applicant submitted that applicant is husband of the deceased and on the basis of false allegation of demand of dowry and torture he has been made accused in the present matter.

7. He further submitted that actually deceased is a stubborn natured lady and in the absence of his husband i.e. applicant and his family members when they were in the filed victim committed suicide by hanging herself.

8. He further submitted that post mortem report of the victim also suggests that she died due to hanging.

9. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 18.8.2023.

10. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is husband of the deceased and his wife died within three months of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry, therefore, applicant should not be released on bail.

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

12. Applicant is husband of the deceased and his wife died under abnormal circumstances in her matrimonial home within three months of her marriage and there is also allegation of demand of dowry against the applicant and vague defence has been taken by the applicant in para-16 of the affidavit filed in support of the instant bail application.

13. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is not entitled to be released on bail.

14. Accordingly, the instant bail application stands ***rejected***.

15. 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 :- 9.11.2023

Ankita