

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47843 of 2023

Applicant :- Guddu

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Murti Kushwaha, Pankaj Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Sarvesh Pandey, Advocate, holding brief of Sri Ishan Deo Giri, learned counsel for the applicant and Sri Jhamman Lal, learned AGA for the State.
2. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 214 of 2023 under sections 304, 406 IPC, Police Station Qwarsi, District Aligarh.
3. FIR of the present case was lodged against the applicant and two others under section 366, 406, 323, 504, 506 IPC and according to the FIR, wife of the informant had gone along with the applicant who was her brother-in-law (behnoi) on 22.2.2023 and thereafter informant dropped her to her matrimonial home and on 03.3.2023, informant came to know that again applicant had enticed away his wife and he could not know the whereabouts of his wife.
4. Learned counsel for the applicant submits, initially, FIR of the present case was lodged under sections 366, 406, 323, 504, 506 IPC but after recovery of the dead body of the deceased, the case was converted into 304 IPC.
5. He further submits, actually, the deceased was not satisfied and happy with her husband i.e. the informant, therefore, she developed relationship with the applicant and left her matrimonial home but unfortunately, when she was in the house of the applicant, she died.
6. He further submits, after her death, the informant of the case was duly informed by the applicant but when no one came to the

house of the applicant, then ultimately with the help of the villagers, the applicant cremated the deceased. Subsequently, when her dead body was recovered, then it was found that the deceased died due to injuries.

7. It is further submitted that there is no evidence that applicant caused injuries to the deceased. He further submits applicant is not having any previous criminal history and he is in jail since 27.8.2023.

8. *Per contra*, learned A.G.A. opposed the prayer for bail and submits, admittedly the deceased died in the house of the applicant due to ante-mortem injuries and from the postmortem report, it appears that she sustained even incised wounds and without informing anybody, she was buried by the applicant but subsequently, when the dead body of the deceased was recovered, it was found that it was a case of murder and, therefore, considering the conduct of the applicant and facts of the case, applicant should not be released on bail.

9. I have heard both sides and perused the record of the case.

10. From the record, it reflects that the deceased died in the house of the applicant and he not only failed to explain her death but even he tried to conceal the correct facts of the case and buried the dead body of the deceased and after information when dead body of the deceased was recovered, it was found that she sustained as many as three incised wounds and died due to ante-mortem injuries.

11. Therefore, considering the facts and circumstances of the case as discussed above, I am of the view that applicant is not entitled to be released on bail.

12. Accordingly, the instant application is **rejected**.

Order Date :- 8.11.2023

Madhurima