

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48374 of 2023

Applicant :- Sompal

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Anurag Kumar Pandey, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 132 of 2023, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Shahi, District Bareilly during pendency of the trial.

3. FIR of the present case was lodged against applicant and his family members and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant on 14.03.2023 and after marriage applicant and his family members tortured her for demand of dowry and on 14.06.2023 son of the applicant i.e. husband of the daughter of the informant informed the informant that his daughter has hanged herself.

4. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and only being father-in-law of the deceased, he has been made accused in the present matter. He further submits that on the basis of vague allegation of demand of dowry, FIR of the present case was lodged and in the FIR there is no specific demand of dowry was disclosed. He further submits that it appears that some dispute arose between husband and wife and thereafter deceased committed suicide.

5. He further submits that post mortem report of the deceased suggests that deceased died due to hanging. He further submits that bail application of mother-in-law of the deceased has been allowed by the co-ordinate Bench of this Court vide order dated 02.11.2023 passed in Criminal Misc. Bail Application No. 46497 of 2023 and case of applicant on merit at par with her. He produced the bail

order of mother-in-law of the deceased during the course of argument, which is taken on record and marked as 'A'. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 19.07.2023.

6. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is father-in-law of the deceased and there is no specific allegation against him and post mortem report of the deceased suggests that deceased died due to hanging and mother-in-law of the deceased has already been released on bail.

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

8. Considering the fact that applicant is father-in-law of the deceased and only general allegations have been leveled against him and other accused persons and deceased died due to hanging and mother-in-law of the deceased has already been enlarged on bail, in my view, applicant is also entitled to be released on bail.

9. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

10. Let the applicant - **Sompal** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

11. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

12. 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

AK Pandey