

**Court No. - 66**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 48326 of 2023

**Applicant :-** Sanjeev

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Sudhir Kumar Tiwari

**Counsel for Opposite Party :-** G.A.

**Hon'ble Ajay Bhanot,J.**

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 29 of 2023 at Police Station-Subhash Nagar, District-Bareilly under Section 498-A, 304-B IPC and Section 3/4 D.P. Act. The applicant is in jail since 04.02.2023.

The bail application of the applicant was rejected by the learned trial court on 07.10.2023.

The following arguments made by Shri Sudhir Kumar Tiwari, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Suchit Tandon, learned AGA 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 applicant had chronic physical disabilities which prevented him from consummating his marriage. The deceased became depressed on account of the said chronic physical disability.

4. On the fateful day, she succumbed to depression and took the extreme step of ending her life. She committed suicide by hanging.

5. The post mortem report opines that the cause of death is asphyxia due to antemortem hanging.

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

(i). Nature of ligature mark.

(ii). No abnormality was detected in the hyoid bone.

7. The applicant did not abet or instigate the deceased to commit suicide.

8. The prerequisites for attracting the presumption and reversing of the burden of proof are not established in the facts and circumstances and evidence of the case.

9. The applicant does not have any criminal history apart from this case.

10. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his 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-**Sanjeev** 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 :- 9.11.2023**

Vandit