

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48697 of 2023

Applicant :- Rajjan Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Pratap Singh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri D.P.S. Chauhan, learned counsel for the applicant and Sri R.N. Srivastava, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 220 of 2023, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Bhognipur, District- Kanpur Dehat, during pendency of the trial in the court below.

3. FIR of the present case was lodged against the 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 15.05.2022 and after marriage, applicant and his family members tortured her for Rs. 2 lacs and in this regard, daughter of the informant also lodged a case against them under Sections 498-A, 323 IPC and 3/4 D.P. Act on 20.05.2023.

4. It is further mentioned in the FIR that on 14.07.2023 after receiving information when informant arrived at the house of the son of the applicant then they threatened him to commit murder of his daughter and thereafter they have committed her murder.

5. Learned counsel for the applicant submitted that applicant is the father-in-law 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 on the basis of general and omnibus allegation.

6. He further submitted that deceased was residing separately alongwith her husband i.e. son of the applicant and this fact is even evident from the statements of the family members of the deceased, which have been annexed alongwith the instant bail application.

7. He further submitted that alongwith the deceased, her younger sister aged about 12 years, was also residing and from her statement, which has been annexed alongwith the instant bail application, it reflects that son of the applicant i.e. husband of the deceased used to torture his wife and on the date of incident, some dispute arose between husband and wife and, thereafter, deceased hanged herself. He further submitted that as per the post-mortem report, deceased died due to ante-mortem hanging.

8. He further submitted that applicant is not having any criminal history and he is in jail since 27.08.2023.

9. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

11. Considering the fact that applicant is the father-in-law of the deceased and from the perusal of the statements of the prosecution witnesses, it appears that deceased was residing separately alongwith her husband i.e. son of the applicant and even her younger sister, who used to reside alongwith her, in her statement recorded under Section 161 Cr.P.C. stated that husband of the deceased used to torture her and she did not even disclose the name of the applicant, in my view, applicant is entitled to be released on bail.

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

13. Let the applicant- **Rajjan Singh** 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.

14. 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.

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 :- 23.11.2023

KK Patel