

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49009 of 2023

Applicant :- Sonu Alias Sonvir

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Chandra Dwivedi

Counsel for Opposite Party :- G.A.,Ankit Mishra

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Prem Chandra Dwivedi, learned counsel for the applicant, Sri Ankit Mishra, learned counsel for the first informant and Sri Virendra Pratap Singh, learned counsel for the State and perused the material on record.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant **Sonu Alias Sonvir**, seeking enlargement on bail during trial in connection with Case Crime No. 22 of 2023, under Section 306 IPC, registered at P.S. Kirawali, District Agra.

4. Learned counsel for the State states that he has received instructions for which time was granted to him vide order dated 17.11.2023.

5. The FIR of the matter was lodged on 03.02.2023 under Sections 498A, 304-B, 323 IPC and Section 3/4 D.P. Act by Smt. Sheela against the applicant and nine other persons alleging therein that her daughter Preeti was married to the applicant on 06.11.2022. She had given gifts and dowry as per her status. The accused persons were not satisfied and happy with the dowry and were demanding a motorcycle more due to which they used to physically and mentally torture her. She got Panchayat done many times with persons of her society and relatives but the accused persons did not stop the torture of her daughter. On 01.02.2023 due to non fulfillment of dowry they murdered her daughter and threw her dead body on the railway track. She received an information after which she went there but did not find the body of her daughter.

6. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present case. It is argued that the deceased committed suicide and died after being hit by a train which would

be evident from the fact in the inquest and also from the postmortem examination report. It is argued that during investigation the police converted the case from Sections 498A, 304-B, 323 IPC and Section 3/4 D.P. Act into a case under Section 306 IPC which would further go to show that the present case is a case of suicide. It is argued that the deceased went missing from the house on 01.02.2023 after which on the information of PRV Police man the inquest on the body of the deceased was conducted on 01.02.2023 after which the postmortem was conducted on 03.02.2023. It is argued that the applicant has no reason to abet the instigate the murder of his wife. There is no motive by the applicant to commit the aforesaid offence. He further argued that the applicant has no criminal history as stated in para 24 of the affidavit and is in jail since 21.02.2023.

7. Per contra, learned counsel for the first informant and learned counsel for the State opposed the prayer for bail and argued that the applicant is named in the FIR and he is the husband of the deceased. The deceased died unnatural death while living in the house of the applicant with him. There are allegations of dowry against the applicant and his family members. It is further argued that the conduct of the applicant is very objectionable since his wife went missing from the house but did not taken any step to locate her. It is argued that there is no reason for false implication of the applicant and as such the prayer for bail of the applicant be rejected.

8. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is the husband of the deceased. The deceased Preeti the wife of the applicant went away from the house, the applicant did not take any action regarding her missing. Subsequently her dead body was found on the railway track of which information was given by PRV Policeman. Till that time, the applicant and his family members were silent about it and did not make any efforts to trace to her. I do not find it a fit case for bail.

9. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

10. The bail application is, accordingly, ***rejected***.

Order Date :- 11.12.2023/M. ARIF

(Samit Gopal, J.)