

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48945 of 2023

Applicant :- Anil Pal

Opposite Party :- State of U.P.

Counsel for Applicant :- Dhiraj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Kushagra Singh holding brief of Sri Dhiraj Singh, learned counsel for the applicant and Sri Ram Prakash Shukla, 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- Anil Pal, seeking enlargement on bail during trial in connection with Case Crime No. 255 of 2022, under section 302 I.P.C., Police Station Kaundhiyara, District Prayagraj.

4. The F.I.R. of the present matter was lodged on 15.11.2022 by Arjun Lal Pal against the applicant and Munshi Pal alleging therein that his niece Sushila Pal was married to the applicant in the year 2013. After marriage, the accused persons had some quarrel with the deceased. The applicant Anil Pal used to follow the advice of his father and used to assault his wife. On 15.11.2022, at about 10 A. M. during quarrel Anil Pal assaulted his wife Sushila Pal with a sharp edged weapon on her head and then on her neck. She died after some time in the house. Police informed him after which he reached the place of occurrence.

5. Learned counsel for the applicant argued that the applicant although is the husband of the deceased but has been falsely implicated in the present case. It is argued that the allegations in the F.I.R. are false and concocted. While placing para 17 of the affidavit it is argued that the applicant was married to the deceased about 10 years back and from the wedlock two children were born which would go to show that the couple were leading a happy married life. It is further argued that the said two children have not been interrogated by the police. It is further argued that there are

no eye witnesses of the incident. Learned counsel has argued that there are 25 witnesses in the present matter as per the charge sheet in which Arjun Lal Pal the informant, Rajkali the mother of the deceased, Kiran Pal the younger sister of the deceased and Basant Lal her uncle have been examined before the trial court as P.Ws. 1 to 4 who have not supported the prosecution case and have been declared hostile. It is argued that the applicant is thus not involved in the present case and the same would go to show the false implication of the applicant. While placing para 28 of the affidavit, it is argued that the applicant has no criminal history. He is in jail since 16.11.2022.

6. Per contra learned counsel for the State vehemently opposed the prayer for bail.

7. After hearing the counsel for the parties and perusing the record, it is apparent that the applicant is the husband of the deceased Smt. Sushila Pal. The doctor conducting the post mortem examination of the deceased opined the cause of death as asphyxia due to strangulation associated with Coma. The deceased was found to have received one lacerated wound, one multiple lacerated wound and a contusion on her body. In the internal examination, the skull bone was found to be fractured with hematoma, the brain was having hematoma, the larynx was fractured, the C1, C2, C3 vertebrae was found to be fractured, the hyoid bone was fractured and the trachea was also fractured. The same would go to show that it is not consistent any how with suicide. The applicant admittedly was living with the deceased. His name is in the F.I.R. and there are allegations against him. The deceased received extensive injuries due to which she died.

8. Looking to the facts and circumstances of the case, no case for bail is made out, hence, the bail application is **rejected**.

Order Date :- 17.11.2023

K.K. Maurya

(Samit Gopal,J.)