

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49393 of 2023

Applicant :- Ram Babu

Opposite Party :- State of U.P.

Counsel for Applicant :- Munna Babu

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Sri P.K. Upadhyay, Advocate, filed his power on behalf of the informant today in the Court, which is taken on record.

2. Heard Sri Munna Babu, learned counsel for the applicant, Sri P.K. Upadhyay, learned counsel for the informant and Sri R.N. Srivastava, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 242 of 2022, under Sections 498-A, 304-B, 506 IPC & 3/4 D.P. Act, Police Station- Kheeri, District- Prayagraj, during pendency of the trial in the court below.

4. FIR of the present case was lodged against applicant and his family members on 12.09.2022 and according to the FIR, marriage of the applicant was performed with the sister of the informant and after marriage, due to lack of dowry, applicant and his family members tortured his sister and on 12.09.2022 informant received an information that his sister has died. It is further mentioned in the FIR that applicant and his family members committed her murder.

5. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and only being husband of the deceased, applicant has been made accused in the present matter. He further submitted that FIR of the present case is based on vague facts and not even date of marriage was mentioned in the FIR.

6. He further submitted that on the basis of vague allegation of demand of dowry, applicant and his family members have been made accused in the present matter and neither in the FIR nor in

the statements of the witnesses, there is any specific demand of dowry.

7. He further submitted that actually deceased i.e. wife of the applicant always insisted to live separately but when applicant failed to accept her proposal then in anger, she committed suicide. He further submitted that post-mortem report of the deceased suggests that she died due to hanging.

8. He further submitted that applicant is not having any criminal history and he is in jail since 14.09.2022 i.e. for more than a year.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is the husband of the deceased and his wife died within seven years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but both the counsels could not dispute the fact that neither in the FIR nor in the statements of the prosecution witnesses recorded during investigation, any specific demand of dowry could be disclosed. They further could not dispute the fact that deceased died due to hanging and applicant is in jail since September, 2022 i.e. for last more than a year.

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

11. However, applicant is the husband of the deceased and his wife died within seven years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but from the FIR and from the statements of the witnesses recorded during investigation, which were produced by learned AGA during the course of argument, it reflects that only general and vague allegation of demand of dowry has been leveled and no specific demand of dowry was disclosed.

12. Further, post-mortem report of the deceased suggests that she died due to hanging and applicant is in jail since September, 2022 i.e. for last more than a year.

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

14. Let the applicant- **Ram Babu** 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.

15. 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.

16. 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 :- 21.11.2023

KK Patel