

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50383 of 2023

Applicant :- Thakur Das

Opposite Party :- State of U.P.

Counsel for Applicant :- Satendra Kumar

Counsel for Opposite Party :- G.A.,Mithilesh Kumar Shukla

Hon'ble Sameer Jain,J.

1. Heard Shri Satendra Kumar, learned counsel for the applicant, Shri Shatrughan Yadav, learned A.G.A. for the State-respondent and Shri Mithilesh Kumar Shukla, learned counsel for the informant.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.534 of 2023, under Sections 498-A, 304-B IPC, Police Station Tundla, District Firozabad, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 17.07.2023 against applicant and his family members and according to the F.I.R., marriage of the son of the applicant was performed with the daughter of the informant on 28.04.2022 and after solemnization of the marriage, applicant and his family members started torturing her for a four wheeler and on 15.07.2023 for want of dowry, they have committed her murder by strangulating her.

4. Learned counsel for applicant submits that entire allegation made against the applicant is totally false and baseless and only being father-in-law of the deceased, he has been made accused in the present matter.

5. He further submits that applicant is aged about 55 years and he used to reside in separate room of the house and having no concern with the day to day affairs of the husband and wife. He further submits that some dispute arose between husband and wife and thereafter wife committed suicide by hanging herself.

6. He further submits that even post-mortem report of the deceased suggests that she died due to hanging.

7. He further submits that no specific allegation has been made against the applicant and only on the basis of general allegation of demand of dowry and torture, he has been made accused in the present matter.

8. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter since 18.07.2023, therefore, he may be released on bail.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submits that applicant is father-in-law of the deceased and being head of the family, it was his responsibility to take care of his daughter-in-law but instead to take her care, he tortured her for demand of dowry and ultimately due to torture, it appears that she committed suicide but both the counsels could not dispute the fact that there is no specific allegation against the applicant and post-mortem report of the deceased suggests that she died due to hanging.

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

11. Considering the fact that applicant is father-in-law of the deceased and only general allegation has been made against him and post-mortem report of the deceased suggests that she died due

to hanging, in my view, applicant, who is father-in-law of the deceased, is entitled to be enlarged on bail.

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

13. Let the applicant-**Thakur Das**, 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 :- 24.11.2023

Zafar