

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49948 of 2023

Applicant :- Rukhmani Nandan @ Bobby @ Babu

Opposite Party :- State of U.P.

Counsel for Applicant :- Satendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Shri Satendra Kumar, learned counsel for the applicant and Shri Amar Nath Vishwakarma, learned Brief Holder for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.426 of 2023, under Sections 498-A, 304-B IPC & Section 3/4 D.P. Act, Police Station Rasulpur, District Firozabad, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 31.07.2023 against applicant and his parents and according to the F.I.R., marriage of the applicant was performed with the niece of the informant by the informant about one and a half years before and after solemnization of the marriage, applicant and his parents started demanding Rs.2,00,000/- and for want of dowry applicant and his parents committed murder of the niece of the informant. It is further mentioned in the F.I.R. that niece of the informant was pregnant at the time of incident.

4. Learned counsel for the applicant submits that applicant is husband 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 alongwith his parents.

5. He further submits that actually applicant and deceased loved

each other but their relationship was not accepted by the father of the deceased but anyhow informant i.e. *Tau* of the deceased agreed and thereafter he solemnized marriage of the deceased with the applicant but even after marriage, father and real family members of the deceased could not accept this fact and due to their indifferent behaviour, deceased, who was pregnant, started leaving under depression and under depression she committed suicide by hanging herself.

6. He further submits that post-mortem report of the deceased also suggest that deceased died due to hanging.

7. He next submits that applicant is not having any criminal history and he is in jail in the present matter since 02.08.2023, therefore, he may be released on bail.

8. Per contra, learned AGA opposed the prayer for bail and submits that applicant is husband of the deceased and his wife died within two years of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry, therefore, considering the provisions of Section 304-B I.P.C. and Section 113- B of the Indian Evidence Act, applicant should not be released on bail.

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

10. From perusal of the record, it reflects that applicant is husband of the deceased and his wife died within two years of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry.

11. However, applicant has taken a plea that as marriage of the deceased was performed with the applicant against the wishes of her father and her family members by the informant i.e. *Tau* of the

deceased, therefore, she committed suicide by hanging herself but from perusal of the record it reflects that deceased was pregnant and in my view on the basis of such vague defence taken by the applicant, the allegation made against him, cannot be completely disbelieved at this stage.

12. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant, who is husband of the deceased, is not entitled to be enlarged on bail at this stage.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application filed by applicant-**Rukhmani Nandan @ Bobby @ Babu** is **rejected**.

14. 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 :- 22.11.2023

Zafar