

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49972 of 2023

Applicant :- Sunnar

Opposite Party :- State of U.P.

Counsel for Applicant :- Sheetala Prasad Pandey

Counsel for Opposite Party :- G.A.,Ankit Kumar Mishra,Avneesh Mishra,Prateek Srivastava,Vikrant Pratap Singh

Hon'ble Sameer Jain,J.

1. Heard Sri Surendra Mohan Mishra, Advocate holding brief of Sri S.P. Pandey, learned counsel for the applicant, Sri Vikrant Pratap Singh, learned counsel for the informant and Sri Ravi Kant Kushwaha, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 355 of 2023, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Menhadawal, District Sant Kabir Nagar during pendency of the trial.

3. FIR of the present case was lodged against applicant and his family members and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant about three years before and after marriage applicant and his family members tortured her for dowry and on 16.08.2023 they have committed her murder by hanging her.

4. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and actually being father-in-law of the deceased, he has been made accused in the present matter. He further submits that even in the FIR there is no specific demand of dowry could be disclosed and this fact clearly suggests that on the basis of vague allegation of demand of dowry, FIR of the present case was lodged.

5. He further submits that applicant, who is father-in-law of the deceased, was not having any concerned with the family affairs of the deceased and a year before a compromise was executed between applicant and his son i.e. husband of the deceased, which has been annexed as Annexure-9 to the affidavit, which shows that

after compromise applicant started living separately in separate portion of the house.

6. He next submits that it appears that some dispute arose between husband and wife and thereafter deceased hanged herself. He further submits that post mortem report of the deceased also suggests that she died due to hanging. He further submits that applicant is not having any criminal history and in the preset matter he is in jail since 11.09.2023.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is father-in-law of the deceased and his daughter-in-law died within three years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry.

8. Learned counsel for the informant further submits that however there is no specific allegation of demand of dowry in the FIR but when the statement of the informant under Section 161 Cr.P.C. was recorded then he disclosed that there was demand of motorcycle.

9. He further pointed out that applicant is not living in separate house but he is living in separate portion of the house. He further submits that at the time of incident husband of the deceased was not present at the house and this fact is evident from his statement recorded by the Investigating Officer during investigation however, he could not dispute the fact that deceased died due to hanging and applicant is father-in-law of the deceased and there is no specific allegation against him.

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

11. Considering the fact that applicant is father-in-law of the deceased and there is no specific allegation against him and deceased died due to ante mortem hanging and no specific demand of dowry was disclosed in the FIR, in my view, applicant is entitled to be released on bail.

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

13. Let the applicant - **Sunnar** 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 :- 30.11.2023

AK Pandey