

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52861 of 2023

Applicant :- Ayodhya Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Kameshwar Singh, Sudhanshu Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Kameshwar Singh, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 277 of 2023, under Sections 498-A, 304-B, 328 IPC & 3/4 D.P. Act, Police Station- Baberu, District- Banda, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant and his family members on 08.06.2023 and according to the FIR, marriage of the son of the applicant was performed with the daughter of the informant on 10.06.2022 and after marriage, applicant and his family members tortured her for motorcycle and on 25.04.2023 they have badly beaten her and forcibly administered some poisonous substance to her and thereafter police informed the informant that his daughter consumed poison and died on the way to the hospital. It is further mentioned in the FIR that when informant arrived at the hospital then found that dead body of his daughter was in the mortuary and applicant and her other family members were present there.
4. Learned counsel for the applicant submitted that applicant is the father-in-law 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 other family members including his son i.e. husband of the deceased. He further submitted that actually deceased was not happy with her marriage with the son of the applicant and only due to this reason she consumed some poisonous substance and died.

5. He further submitted that after consumption of the poisonous substance, applicant and his family members rushed her to the C.H.C. from where, she was referred to District Hospital but on the way, she died. He further submitted that FIR of the present case was lodged after more than a month and at the time of inquest, all the family members of the deceased were present and informant and his son are the inquest witnesses and this fact clearly suggests that after about one month, a false story has been cooked up by the informant and implicated the applicant and his family members in the present matter.

He further submitted that bail application of mother-in-law of the deceased has been allowed by this Court on 05.12.2023 and on merit case of applicant is at par with her.

6. He further submitted that applicant is not having any criminal history and he is in jail since 24.07.2023.

7. Per contra, learned AGA however, opposed the prayer for bail but could not dispute the fact that applicant is the father-in-law of the deceased and FIR of the present case was lodged after one and half months and deceased died due to consumption of poisonous substance. He further could not dispute the fact that bail application of the mother-in-law has been allowed by this Court.

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

9. Considering the fact that applicant is the father-in-law of the deceased and FIR of the present case was lodged after one and half months and deceased died due to consumption of poisonous substance and there is no specific allegation against the applicant and mother-in-law of the deceased has already been released on bail, in my view applicant is entitled to be released on bail.

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

11. Let the applicant- **Ayodhya Prasad** 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.

12. 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.

13. 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 :- 8.12.2023

KK Patel