

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 60022 of 2022

Applicant :- Vijay Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Kumar Pandey, Pradeep Chauhan, Rakesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. List revised.
2. Heard Shri Pradeep Chauhan, learned counsel for the applicant, Shri Virendra Pratap Singh, learned State counsel and perused the record.
3. This second bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant Vijay Singh seeking his enlargement on bail during trial in connection with Case Crime No.21 of 2020, under Sections 498-A, 304-B IPC and Sections 3/4 D.P. Act, registered at P.S. Pinhat, District Agra.
4. This is the second bail application. The first bail application of the applicant was dismissed by this Court vide order dated 26.07.2021 passed in Criminal Misc. Bail Application No.21042 of 2021 (Vijay Singh Vs. State of U.P.) for want of prosecution.
5. The First Information Report of the matter was lodged on 22.02.2020 by one Avinash @ Bantu against the applicant, Vijay Singh (herein) and eight other persons alleging therein that the marriage of his sister, Puja was solemnized with the applicant on 28.04.2017, in which he had spent about Rs.10,000,00/- and had

given cash, jewellery and house hold articles but the accused persons were not happy with it and were pressurizing his sister to bring extra dowry of Rs.3,000,00/-. His sister told her parents about it, after which they went to her matrimonial house and tried to console the family members but they did not mend their ways. They used to torture and harass his sister. On 20.02.2020 at about 08:00 p.m. Shimlesh (*Nand*) of the deceased called the father of the informant and told him that Puja has set herself on fire and has been taken to Agra. After receiving the information, her parents and other family members and relatives reached the matrimonial house of Puja and then it came to be known that her in-laws assaulted her badly and set her on fire after pouring petrol on her and then have taken her to the hospital in Agra Emergency. They reached Agra Emergency, where Puja told him that the accused persons with an intention to murder her set her on fire. She is being treated in Delhi. She is aged about 22 years.

6. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present matter. It is argued that a dying declaration of the deceased was recorded on 21.02.2020, in which she stated that she was cooking food after lightening a lamp, which fell on her and she received injuries. There was no one in the house. It is argued that subsequently a second dying declaration of the deceased was recorded by Executive Magistrate at Safdarjang Hospital, Delhi, where she stated that on 20.02.2020 at about 06:00 p.m. her husband assaulted her and then sprinkled petrol on her and set her on fire by a match stick. He is responsible for the incident. It is argued that the said two dying declarations are in contrast with each other and do not transpire confidence. It is argued that the deceased was taken to the hospital by the

applicant for treatment, which can be seen from various documents of the hospital.

7. It is further argued by learned counsel for the applicant that looking to the conduct of the applicant, the case of the prosecution stands falsified. It is argued that Puja, the deceased died on 02.03.2020. It is argued that looking to the difference in the dying declarations and the conduct of the applicant, as he was a person, who took her to the hospital for treatment, where she was given treatment from 22.02.2020 to 02.03.2020. The applicant deserves to be released on bail. It is argued that the applicant is having no criminal history as stated in para 26 of the affidavit filed in support of the bail application and is in jail since 01.11.2020.

8. Per contra, learned counsel for the State has opposed the prayer for bail.

9. Having heard learned counsel for the parties and perusing the records, it is evident that the applicant is the husband of the deceased. The deceased died within three years of her marriage in her matrimonial house. The death is unnatural. The dying declaration of the deceased recorded in Safdarjang Hospital, Delhi states of the applicant being involved in the matter and setting her on fire after sprinkling petrol on her. The cause of death is due to Septicaemia as a result of infected thermal flame burns involving 75% of the total body, which would be an extensive burns injury. There is no reason regarding false implication. The First Information Report also spells out of the fact that the deceased told the informant about the accused persons setting her on fire, which gets corroboration from the dying declaration of setting her on fire.

10. In view of the above, I do not find it to be a fit case for bail.

11. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

12. The second bail application filed by the applicant - **Vijay Singh** is, accordingly, **rejected**.

Order Date :- 16.10.2023

Zafar

(Samit Gopal,J.)