

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52149 of 2023

Applicant :- Ajeet Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Upendra Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Upendra Kumar Dubey, learned counsel for the applicant and Sri Jhamman Ram, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 105 of 2023, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Cholaapur, District- Varanasi, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant and his family members and according to the FIR, marriage of the applicant was solemnized with the daughter of the informant on 14.02.2019 and after marriage, applicant and his family members tortured her for want of Rs. 1 lac and jewelleryes and on 15.03.2023, due to the torture of the applicant and his family members, daughter of the informant committed suicide by hanging herself.
4. Learned counsel for the applicant submitted that applicant is the 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. He further submitted that actually about one year before, daughter of the informant i.e. deceased delivered a child but unfortunately within one month of his birth her child expired and after his death, deceased started living in depression and only due to this reason, she committed suicide. He further submitted that post-mortem report of the deceased suggests that she died due to hanging.
5. He further submitted that applicant is not having any criminal history and he is in jail since 17.03.2023.

6. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is the husband of the deceased and his wife died within four years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry. He further submits, however, applicant has taken a defence that actually deceased delivered a child but unfortunately her child died within one month of his birth and thereafter deceased was living under depression and committed suicide but with regard to her depression, there is no document on record and this fact clearly suggests that a false defence has been set up by the applicant and as applicant is the husband of the deceased, therefore, he does not deserve bail.

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

8. Applicant is the husband of the deceased and his wife died within four years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry.

9. Further, however, post-mortem report of the deceased suggests that she died due to hanging and applicant has taken a defence that as about one year before deceased delivered a child but unfortunately her child died within one month of his birth and thereafter she started living in depression and only due to depression, she committed suicide but in support of the defence taken by the applicant, no medical document of the deceased with regard to her depression is on record and, therefore, argument advanced by learned AGA that after the death of the deceased, applicant has set up a false defence, cannot be completely ruled out at this stage.

10. 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 released on bail.

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

12. 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 :- 5.12.2023

KK Patel