

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 59916 of 2022

Applicant :- Ranjeet

Opposite Party :- State of U.P.

Counsel for Applicant :- Brijesh Kumar Srivastava, Satya Prakash Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri S.P. Mishra, learned counsel for the applicant and Sri Suresh Bahadur Singh, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 784 of 2021, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Etmaddaula, District Agra during pendency of the trial.
4. FIR of the present case was lodged on 25.11.2021 on the application moved by the informant under Section 156(3) Cr.P.C. dated 28.08.2021 and according to the FIR marriage of the applicant was performed with the daughter of the informant on 08.03.2015 and after marriage applicant and his family members tortured her for motorcycle. It is further mentioned in the FIR that in the meantime applicant developed illicit relationship with some other girl and on 19.06.2021 applicant and his family members committed the murder of the daughter of the informant by strangulating her. It is further mentioned in the FIR that against the wishes of the informant, the cremation of the body has been done by the applicant and his family members.
5. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and only being husband of the deceased, he has been made accused in the present matter after two months through an application under Section 156(3) Cr.P.C.

6. He further submits that deceased died due to heart attack and immediately after the incident informant i.e. her mother was informed and she arrived at spot and in her presence cremation was conducted but after two months totally on the basis of false allegation of demand of dowry and torture, an application under Section 156(3) Cr.P.C. was moved. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 06.08.2022 i.e. for more than a year and till date only two prosecution witness could be examined out of ten prosecution witnesses of the charge-sheet, therefore, it appears that trial of the case is moving with snail's speed and there is no hope of its early disposal.

7. Per contra, learned AGA opposed the prayer for bail and submits that deceased was the wife of the applicant and she died within seven years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but could not dispute the fact that FIR of the present case was lodged after several months through an application under Section 156(3) Cr.P.C. and even application under Section 156(3) Cr.P.C. was moved after two months. He further could not dispute the fact that from the record, it reflects that in the presence of informant and her family, cremation of body of the deceased was conducted.

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

9. However, applicant is husband of the deceased and his wife died within six years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but it appears that FIR of the present case was lodged after several months through an application under Section 156(3) Cr.P.C. and even application under Section 156(3) Cr.P.C. was moved after two months.

10. Further, however, as per allegation applicant and his family members disposed off the dead body of the deceased, therefore, post mortem of the deceased is not on record but it appears from the FIR and other material available on record that cremation was conducted in the presence of informant and her other family members.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 06.08.2022 i.e. for more than a year.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant, who is however is husband of the deceased, is entitled to be released on bail.

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

14. Let the applicant - **Ranjeet** 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.

15. 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.

16. 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 :- 20.11.2023

AK Pandey