

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51378 of 2023

Applicant :- Balram Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramanuj Yadav

Counsel for Opposite Party :- G.A., Satya Prakash Rathor

Hon'ble Sameer Jain, J.

1. Shri Satya Prakash Rathor, Advocate filed his power on behalf of the informant in Court today, which is taken on record.
2. Heard Shri Ramanuj Yadav, learned counsel for the applicant, Shri Rajeev Dhar Dwivedi, learned AGA for the State-respondent and Shri Prakash Chandra Gupta, Advocate holding brief of Shri Satya Prakash Rathor, learned counsel for the informant.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.1828 of 2023, under Sections 498-A, 304-B IPC & Sections 3/4 D.P. Act, 1961, Police Station Kabrai, District Mahoba, during pendency of the trial in the court below.
4. F.I.R. of the present case was lodged against applicant and his family members and according to the F.I.R., the marriage of the son of the applicant was performed with the daughter of the informant on 19.06.2020 and after solemnization of the marriage, applicant and his family members tortured her for a four wheeler and for want of dowry on 26.07.2023 they have committed her murder.
5. Learned counsel for the applicant submits that applicant is 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.

6. He further submits that actually jewelleries of the deceased was taken by her parents and inspite of her repeated demand they are not returning the same and only due to this reason she in anger and depression committed suicide.

7. He further submits that the neighbour of the applicant, Mansingh in his statement under Section 161 Cr.P.C. also disclosed this fact.

8. He further submits that applicant being father-in-law of the deceased was not having any concern with the day to day family affairs of the deceased and even post-mortem of the deceased suggests that she died due to hanging.

9. He further submits that co-accused Smt. Panna @ Chhoti, who is mother-in-law of the deceased, has already been released on bail by a Co-ordinate Bench of this Court today passed in Criminal Misc. Bail Application No.51400 of 2023 and case of applicant is at par with her.

10. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter since 14.08.2023

11. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

13. Considering the fact that applicant is father-in-law of the

deceased and only general allegation has been levelled against him and even from the statement of the independent witness, Mansingh, it appears that due to dispute arose between her and her parents in anger and depression, deceased committed suicide by hanging herself and as per the post-mortem report of the deceased, she died due to hanging and mother-in-law of the deceased has already been released on bail by a Co-ordinate Bench of this Court, in my view, applicant is entitled to be enlarged on bail.

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

15. Let the applicant- **Balram Yadav**, 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.

16. 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.

17. 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 :- 1.12.2023
Zafar