

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51434 of 2023

Applicant :- Rajnesh Kumar @ Rajnish

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Kumar Srivastava, Neeraj Kumar Bhargava

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Ajay Kumar Srivastava, Advocate, holding brief of Sri Neeraj Kumar Bhargava, learned counsel for the applicant, Sri Bare Lal Bind, learned A.G.A. and perused the material on record.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Rajnesh Kumar @ Rajnish, seeking enlargement on bail during trial in connection with Case Crime No. 117 of 2023, under Sections 498A, 304B IPC and 3/4 D.P. Act, registered at P.S. Diyoriya Kala, District Pilibhit.

4. The F.I.R. of the matter was lodged on 01.6.2023 by Kanhai Lal against the applicant and five other accused persons alleging therein that his daughter Puja Devi herself had got love marriage with the applicant around five months back. After marriage the applicant and other accused persons used to abuse and torture her and were demanding her for a motorcycle and Rs.2 lakh as an additional dowry but she showed inability of her parents to fulfill the same and due to non fulfillment of demand of dowry, they murdered his daughter by hanging.

5. Learned counsel for the applicant argued that marriage of the deceased Smt. Puja Devi with the applicant was solemnized around five months back. It is argued that she committed suicide and died on 29.5.2023 which is also suggestive from the post mortem report wherein except a single ligature mark no other bodily injury was found and cause of death is opined as asphyxia due to ante mortem hanging. It is argued that marriage of the deceased with the applicant was a love marriage and as such there was no reason for demand of any dowry from her or her parents. It is further argued while placing para-10 of the affidavit that the applicant was doing job of whitewashing work and the deceased was thus under financial constraint and not happy with the marriage and committed suicide. It is argued that the applicant is having no criminal history as stated in paragraph-19 of the affidavit and is in jail since 16.07.2023.

6. Per contra, learned AGA opposed the prayer for bail and argued that the applicant is husband of the deceased. The deceased died in her matrimonial house within five months of marriage. The death is unnatural. It is argued that there is no convincing reason given by the applicant for the deceased committing suicide. It is argued that the prayer for bail thus be rejected.

7. After having heard learned counsels for the parties and perusing the

records, it is evident that the applicant is husband of the deceased. The deceased died within five months of marriage in her matrimonial house. The death is unnatural. There is no convincing reason given by the applicant for the deceased committing suicide.

8. Looking into the facts and circumstances of the case as well as nature and gravity of the offence, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, rejected.

(Samit Gopal,J.)

Order Date :- 7.12.2023

Naresh