

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52953 of 2023

Applicant :- Tejveer

Opposite Party :- State of U.P.

Counsel for Applicant :- Vishal Agarwal

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 Vishal Agarwal, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 667 of 2022, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Sikandaraoo, District Hathras during pendency of the trial.
4. FIR of the present case was lodged against applicant and his family members and according to the FIR marriage of the applicant was performed with the sister of the informant about a year before and after marriage applicant and his family members tortured her for Rs. 3 lakhs and motorcycle and on 15.12.2022 informant received an information that his sister has died. It is further mentioned in the FIR that at the time of incident his sister was pregnant.
5. Learned counsel for the applicant submitted that applicant is 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 submits that actually victim was short tampered lady and only due to this reason she committed suicide. He further submits that even post mortem report of the deceased suggests that she died due to hanging.
6. He further submits that however informant and his witnesses during investigation in their statements supported the version of the FIR but there are material contradictions and when informant

appeared before the trial court then however he during examination-in-chief supported the version of FIR but during cross examination he did not support the prosecution case and stated that due to short tamper deceased committed suicide.

7. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 17.12.2022.

8. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is husband of the deceased and his wife died within one year of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry. He further submits that as deceased was having pregnancy of approximately eight months, therefore, it is hard to believe that she herself would commit suicide and it appears that either due to the torture of applicant and his family members she had to commit suicide or they have hanged her.

9. He further submits that in the charge-sheet there are several witnesses of fact and till date only informant could be examined and he also in his examination-in-chief supported the prosecution case and it appears that on the same day anyhow applicant managed him and thereafter during cross examination he started giving statement in favour of the applicant.

10. He further submits that however learned counsel for the applicant stated that as deceased was short tampered lady, therefore, she committed suicide but in the entire bail application no reason has been given why she committed suicide, therefore, applicant, who is husband of the deceased cannot be escaped from his liability and therefore, considering the provisions of Section 304B IPC and Section 113B of Indian Evidence Act he should not be released on bail.

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

12. However, from the record, it reflects that during cross examination informant of the case did not support the prosecution case but in his examination-in-chief he was intact and supported the version of the FIR.

13. Further, applicant is husband and his wife died within nine months of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry and applicant miserably failed to explain the abnormal death of his

wife. From the post mortem, it reflects that deceased died due to hanging and hanging cannot be categorized as normal death.

14. Further, in the charge-sheet there are number of witnesses of fact but till date informant i.e. brother of the victim could only be examined.

15. Further, from the post mortem report it also reflects that victim at the time of incident was having pregnancy of about eight months.

16. Therefore, considering the facts and circumstances of the case, particularly the fact that applicant is husband of the deceased, in my view, applicant is not entitled to be released on bail.

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

18. 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 :- 11.12.2023

AK Pandey