

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52079 of 2023

Applicant :- Veeroo @ Chhotu

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajeev Kumar Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Rajeev Kumar Saxena, learned counsel for the applicant, Sri Ajay Singh, learned A.G.A-I for the State and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant-Veeroo @ Chhotu seeking enlargement on bail during trial in connection with Case Crime No.355 of 2022, under Sections 498-A, 304-B IPC and Section 3/4 Dowry Prohibition Act, registered at Police Station Achhalda, District Auraiya.
4. The FIR of the matter was lodged on 24.11.2022 by Kailash against the applicant and five other persons alleging therein that his daughter Sandhya was married to the applicant on 4.12.2021 in which he had given gifts and dowry more than his status. The accused persons were demanding a buffalo and Rs.2 lakh as dowry which was not fulfilled due to which they used to torture is daughter and on 23.11.2022 they have murdered his daughter.
5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but has been falsely implicated in the present case. It is argued that there was demand of dowry either by the applicant or his family members from the deceased for ever. The deceased committed suicide and died as the cause of death opined by the doctor is asphyxia as a result of hanging. In the inquest, the officer conducting it did not find any bodily injury on the body of the deceased except for the ligature mark. The implication of the applicant is false as the trial in the matter has started in which Kailash, the first informant was examined as P.W.1 who has not supported the prosecution case and has been declared hostile. It has also been pointed out that the applicant is not having any criminal history as stated in para 16 of the affidavit and is in jail since 25.11.2022.

6. Per contra counsel for the State vehemently opposed the prayer for bail.

7. After hearing the counsel for the parties and perusing the record, it is evident that the applicant is the husband of the deceased. The deceased died within seven years of marriage in her matrimonial house which is unnatural. The postmortem report shows six other contusions apart from ligature mark on the body of the deceased which are spread from the face to thigh. There is no explanation coming from the side of the applicant regarding injury of the deceased.

8. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is **rejected**.

(Samit Gopal, J.)

Order Date :- 12.12.2023

Gaurav Kuls