

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53318 of 2023

Applicant :- Ravi Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Krishna Murari Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Krishna Murari Tripathi, learned counsel for the applicant and Sri R.N. Srivastava, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0062 of 2023, under Section 306 IPC, Police Station- Vindamganj, District- Sonbhadra, during pendency of the trial in the court below.
3. FIR of the present case was lodged on 15.07.2023 under Section 306 IPC against applicant and according to the FIR, applicant used to tease the 17 years' old daughter of the informant and tried to make physical relationship with her and due to his harassment, she committed suicide on 25.06.2023.
4. Learned counsel for the applicant submitted that FIR of the present case was lodged after more than 20 days on the basis of false allegation and even inordinate delay of about three weeks in lodging the FIR itself shows that it is based on false facts.
5. He further submitted that actually victim and applicant both loved each other and informant did not like their relationship and he used to scold his daughter and due to torture of her parents including informant, she committed suicide by hanging herself. He further submitted that there is no cogent evidence, which can show that due to abatement of the applicant, deceased committed suicide.
6. He further submitted that applicant is not having any criminal history and he is in jail since 08.08.2023.
7. Per contra, learned AGA although, opposed the prayer for bail

but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

9. However, as per the allegation, due to conduct of the applicant, who used to tease the deceased, she hanged herself but FIR of the present case was lodged after three weeks. Further, defence taken by the applicant cannot be completely ruled out at this stage and prima facie, there is no cogent evidence that due to abatement of the applicant, deceased committed suicide.

10. Therefore, considering the facts and circumstances of the case discussed above, in my view applicant is entitled to be released on bail.

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

12. Let the applicant- **Ravi Kumar** 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.

13. 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.

14. 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 :- 12.12.2023

KK Patel