

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53194 of 2023

Applicant :- Rambahadur

Opposite Party :- State of U.P.

Counsel for Applicant :- Avanish Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Avanish Tripathi, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 94 of 2023, under Sections 498A, 304-B IPC & Section 3/4 D.P. Act, Police Station Shahi, District Bareilly, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the applicant and his family members and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant on 20.6.2021 and after marriage applicant and his family members tortured her for a motorcycle and Rs. Five lacs.
4. It is further mentioned in the FIR that on 3.5.2023 when daughter of the informant had gone to attend the marriage in the house of her cousin sister in law then her husband made assault upon her through belt.
5. It is further mentioned in the FIR that on 4.5.2023 due to non fulfillment of demand of dowry, applicant and his family members committed her murder.
6. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and baseless and only being father in law of the deceased applicant has been made accused in the present matter.
7. He further submitted that even in the FIR, it is alleged that son of the applicant i.e. husband of the deceased used to torture the deceased.

8. He further submitted that during investigation when the statements of the witnesses were recorded then also they stated this fact and their statements have been annexed alongwith the instant bail application as annexure-6 to the affidavit.

9. He further submitted that due to dispute arose between husband and wife, it appears that deceased consumed some poisonous substance and applicant is the person who immediately after the incident, admitted the deceased in the hospital and this fact is evident from annexure-2 to the affidavit.

10. He further submitted that applicant is having no criminal history and he is in jail in the present matter since June, 2023 i.e. for last almost six months.

11. Per contra, learned AGA although opposed the prayer for bail but could not dispute the fact that applicant is father in law of the deceased and only general allegation has been levelled against him and he is the person who immediately after the incident admitted the deceased in the hospital.

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

13. Applicant is the father in law of the deceased and there is no specific allegation against him and it appears that he is the person who immediately after the incident admitted the deceased in the hospital and even from the record it reflects that main allegation of torture is against the co-accused Pramod, the husband of the deceased.

14. Further, bail application of mother in law Shanti Devi has been allowed by the co-ordinate Bench of this Court vide order dated 22.11.2023 passed in Crl. Misc. Bail Application No. 43408 of 2023 and applicant is having no criminal history and he is in jail in the present matter since June, 2023 i.e. for last almost six months.

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

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

17. Let the applicant-**Ram Bahadur**, 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.

18. 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.

19. 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

Ankita