

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53593 of 2023

Applicant :- Ram Kishan

Opposite Party :- State of U.P.

Counsel for Applicant :- Sonu Malik

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Ms. Sonu Malik, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 437 of 2023, under Sections 304B, 498A IPC and Section 3/4 D.P. Act, Police Station Nahtaur, District Bijnor during pendency of the trial.

3. FIR of the present case was lodged against applicant, his son and daughter and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant on 18.02.2022 and after marriage applicant and his family members tortured her for demand of Rs. 5 lakhs and a golden chain and due to non fulfillment of demand of dowry on 16.09.2023 applicant and his family members committed her murder.

4. Learned counsel for the applicant submitted that applicant is father-in-law 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.

5. She further submits that actually applicant used to reside separately along with his daughter i.e. co-accused Gudiya, therefore, he could not become aware how his daughter-in-law died.

6. She next submits that however daughter of the applicant Gudiya was also made accused in the present matter but during investigation her involvement was found false and charge-sheet was filed only against applicant and his son.

7. She further submits that however post mortem report of the

deceased suggests that deceased sustained as many as 7 injuries and she died due to throttling but as applicant resided separately, therefore, he is not in a position to explain the homicidal death of his daughter-in-law.

8. She further submits that applicant is not having any criminal history and in the preset matter he is in jail since 21.09.2023.

9. Per contra, learned AGA opposed the prayer for bail and submits that in the present matter only applicant and his son are the accused and however applicant took a defence that he resided separately along with his daughter but except the bald and verbal allegation there is no evidence on record, which can show that he was residing separately.

10. He further submits that as post mortem report of the deceased suggests that it is a case of homicidal death and applicant, who is father-in-law of the deceased, failed to explain the homicidal death of his daughter-in-law, therefore, he should not be released on bail.

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

12. Considering the fact that applicant is father-in-law of the deceased and there is no evidence that he resided separately from the deceased and post mortem report suggests that deceased sustained as many as 7 injuries and she died due to throttling and applicant failed to explain the homicidal death of his daughter-in-law, in my view, applicant is not entitled to be released on bail.

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

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 :- 14.12.2023

AK Pandey