

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53816 of 2023

Applicant :- Prahlad

Opposite Party :- State of U.P.

Counsel for Applicant :- Hanuman Deen Verma

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Hanuman Deen Verma, learned counsel for the applicant and Dr. S. B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 878 of 2023, under Sections 498A, 304B IPC and 3/4 D.P. Act, Police Station Khalilabad, District Sant Kabir Nagar, 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 on 4.5.2018 with the daughter of the informant and after marriage applicant and his family members tortured her for demand of dowry and on 30.8.2023 informant received an information that his daughter hanged herself.
4. Learned counsel for the applicant submitted that applicant is father in law of the deceased and entire allegation of demand of dowry and torture made against the applicant is totally false.
5. He further submitted that actually applicant resided separately with his wife i.e. mother in law of the deceased and this fact is evident from the ration card which has been annexed alongwith the instant bail application.
6. He further submitted that even post mortem of the deceased suggests that she died due to hanging.
7. He further submitted that in the FIR there is no specific allegation of demand of dowry and first time informant in his statement under section 161 Cr.P.C. stated that there was demand of Rs. Two lacs and this fact also suggests that on the basis of false allegation of torture and demand of dowry applicant has been made accused in the present matter

alongwith his other family members.

8. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 31.8.2023.

9. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is father in law of the deceased and as per ration card it appears that he resided separately from the deceased and deceased died due to asphyxia as a result of ante mortem hanging.

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

11. Considering the fact that applicant is father in law of the deceased and there is no specific allegation against him and in the FIR no specific demand of dowry was mentioned and as per ration card, applicant resided separately from the deceased and post mortem of the deceased shows that she died due to ante mortem hanging, in my view, applicant is entitled to be released on bail.

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

13. Let the applicant-**Prahalad**, 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.

14. 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.

15. 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 :- 15.12.2023

Ankita