

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53606 of 2023

Applicant :- Kuldeep

Opposite Party :- State of U.P.

Counsel for Applicant :- A.C.Srivastava, Subham Singh

Counsel for Opposite Party :- G.A.

Hon'ble Dr. Gautam Chowdhary, J.

1. Shri Jitendra Kumar Pandey, Advocate, has filed vakalatnama today in Court on behalf of informant, which is taken on record.

2. Heard Shri A. C. Srivastava, the learned counsel for the applicant, Shri Nitin Agarwal, the learned A.G.A. for the State as well as Shri Jitendra Kumar Pandey, the learned counsel for the informant and perused the record.

3. By means of the instant bail application, the applicant seeks bail in Case Crime No. 954 of 2023, under Sections 498-A, 323, 325, 307, 354, 376, 504, 511 I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station Kavinagar, District Ghaziabad, during trial.

4. The F.I.R. dated 21.11.2023 has been lodged by the informant alleging therein that marriage of his sister was solemnized on 05.02.2021 with Prashant Kumar, at the time of marriage sufficient amount of dowry was given and sixteen lakh rupees were spend in the said marriage, but in-laws of her sister were not satisfied therewith and they used to harass and torture her for demand of additional dowry in the form of ten lakh rupees, on 03.08.2023 sister of the informant told him on phone that applicant had committed with obscene activity and tried to commit her rape and when she made complaint to her husband and her mother-in-law they told her to accept his action. In the said F.I.R. it has further been alleged that on 20.10.2023 husband of the victim made a call on the phone of complainant and told to take his sister and they do not want to keep her more, thereafter, when complainant called several times the in-laws of her sister did not receive his phone call and at about 3:00 hours in the night husband of the sister of complainant told him on phone that his sister is admitted in the hospital, when the complainant and his other family members

reached at the hospital his sister told that previous night applicant tried to commit her rape and when she opposed all the accused persons started assaulting her and when she ran to the roof of the house to save her life the accused persons reached there and pushed her from third floor of the house with intention to kill her, on account of which her backbone got fractured and her both legs are paralyzed.

5. Learned counsel for the applicant submits that applicant is brother-in-law (Jeth) of the victim, he is innocent and has falsely been implicated in the present case. Learned counsel for the applicant further submits that general allegations have been made in the F.I.R. as well as in the statements of complainant, victim and other family members of the victim against all the accused persons including the applicant and no specific allegation has been made against him. Learned counsel for the applicant further submits that applicant is living in Delhi along with his family and he has no concern with the affairs of the victim and her husband, and he is not beneficiary of the alleged demand of additional dowry. Learned counsel for the applicant further submits that after hearing news of falling of the victim from roof the applicant and his wife reached hospital to see her. Learned counsel for the applicant further submits that in fact applicant was on his duty at Delhi on the date of incident. It has further been argued that present prosecution has been instituted with false and concocted story and applicant has falsely been implicated in the case. He next submits that applicant is in jail since 22.10.2023, having no criminal history.

6. Per contra, learned A.G.A. as well as learned counsel for the informant have vehemently opposed the prayer for bail by contending that soon after the marriage the victim was causing mental agony and torture by her in-laws for non fulfillment of demand of additional dowry. The victim is still admitted in the hospital and her treatment is going on till date. There is specific allegation against the applicant in the F.I.R. as well as in the statements of the victim and other witnesses for trying to commit rape of the victim and all the accused persons have been assigned demand of additional dowry as well torturing the victim and pushing her from the roof of the house on the date of incident, on account of which backbone of victim had got fractured and she became paralyzed. Learned counsel for the opposite parties further submit that victim in her statement recorded before the police has narrated the entire incident and had made serious allegations against all the accused persons including the applicant. It has

further been argued that there is no evidence at all that applicant was not present in the matrimonial house of the victim at the time of incident rather he was on his duty at Delhi. Learned counsel for the opposite parties have further argued that bald allegations have been made against all the accused persons including the applicant who are named in the F.I.R. and as per the prosecution version the alleged incident had been occurred in a gruesome manner by pushing the victim from third floor of the house, on account of which victim has sustained grievous injuries and she has become paralyzed, therefore, applicant does not deserve to be enlarged on bail.

7. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case and considering that there is specific allegation against the applicant, without expressing any opinion on the merits of the case, no case for bail has been made out.

8. Accordingly, the bail application of applicant-**Kuldeep**, is **rejected**.

Order Date :- 14.12.2023

Mustaqeem.