

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 830 of 2023

Applicant :- Ramesh Vishwakarma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard Shri Paritosh Shukla, learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.

2. This bail application has been moved by the accused/applicant- **Ramesh Vishwakarma** for grant of bail, in F.I.R./Case Crime No. 208 of 2021, under Sections 498-A, 304-B, 506, 201 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Musafirkhana District Amethi, during trial.

3. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.

4. It is further submitted that applicant is the husband of the deceased with whom the applicant was married on 02.06.2017 and on 04.08.2021 the deceased was found dead in a 'pond' situated near the village. However, the applicant has never treated the deceased with cruelty nor has demanded any dowry and all the allegations which have been levelled with regard to the demand of dowry and committing cruelty in lieu thereof are false, concocted and could not be believed.

5. It is also submitted that on 02.08.2021 the deceased had gone missing and the applicant immediately informed the informant as well as the local police station, however, the dead body of the deceased was recovered from a village pond on 04.08.2021.

6. It is vehemently submitted that bonafide of the applicant would be evident from the fact that he immediately informed the local police as well as the informant with regard to the missing of the deceased.

7. It is further submitted that allegation of assault are not

corroborated by medical evidence, as no injury of any kind has been found in the postmortem report of the deceased and what could be inferred from the postmortem report is that the deceased might have gone for easing herself near the pond and unfortunately slipped into the same.

8. It is next submitted that applicant is languishing in jail in this case since 06.08.2021 and he is not having any criminal history and having regard to the witnesses cited in the charge sheet, the trial is not going to conclude in near future. There is no apprehension that after being released on bail he may flee from the course of law or may otherwise misuse the liberty.

9. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence, as he is the husband of the deceased, is more responsible in commission of the crime is more than other accused persons and, thus, he is not entitled to be released on bail.

10. Perusal of the record in the background of the submissions raised by learned counsel for the parties, would reveal that after four years of marriage with the applicant the deceased was found dead in a village pond. The allegations, as levelled by the informant and other prosecution witnesses against the applicant are to the tune that the deceased was being subjected to cruelty in lieu of demand of Rs. 4 lacs and when she did not fulfill the demand of applicant, she was done to death and her dead body was thrown into the village pond. The cause of death of the deceased in the postmortem report has been shown as 'asphyxia' due to 'drowning' and no other injury has been found on her person. In the statement of the prosecution witnesses an incident is shown to have occurred on 12.07.2021, wherein it is claimed that the deceased was assaulted by the applicant and his family members and a compromise was also written with regard to that incident. Though, it is claimed that the information at the concerned police station with regard to the mishappening was given by the applicant, however, the inquest report would reveal that inquest proceedings have been drawn on an information given by Vipin Vishwakarma (Informant) and in the supplementary counter affidavit filed by the State of date 16.05.2021, it has been mentioned specifically in para no.5 of the same that on 03.08.2021 information was given by the mother of the deceased Smt. Malti Devi on Dial 112 at 9:29:48 pm. through mobile phone no. 8299898488. Nothing has been brought on record which may show that the progress of the trial either from the side of applicant or on behalf of the State. The cause of death of the deceased is 'asphyxia' as a result of 'drwoning'.

11. Thus, having regard to all the facts and circumstances of the case, I do not find any good ground on the basis of which the facility of bail may extended to the instant applicant. In result, the instant bail application moved on behalf of the applicant- **Ramesh Vishwakarma** is, hereby, ***rejected***.

12. The trial Court is directed to proceed with the trial without granting unnecessary adjournments to the either party and make all out efforts to conclude the same within six months from production of a certified copy of this order.

13. However, it is directed that the trial Court shall now fix/list this case before it at least once in a week and on all such dates would ensure the presence of the prosecution witnesses.

14. The office is directed to immediately transmit a copy of this order to the trial Court through the Sessions Judge concerned and if the trial is not concluded within the period stipulated, the applicant would be entitled to renew his prayer of bail again before this Court.

15. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression on the merits of the case.

Order Date :- 2.12.2023

Praveen