

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1017 of 2023

Applicant :- Mintoo Alias Vimlesh

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

Counsel for Applicant :- Alok Singh, Manju Singh, Vijay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard 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- **Mintoo Alias Vimlesh** for grant of bail, in Case Crime No. 311 of 2021, under Sections 498-A, 304-B I.P.C. and Section 3/4 D.P. Act, Police Station Madiyaon, District Lucknow, during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. Applicant is the husband of the deceased who had died a little after six years of her marriage with the applicant by hanging.
4. It is further submitted that the postmortem report as well as the inquest report would itself suggest that the deceased had committed suicide, which has been fortified by the statement of the doctors recorded by the investigating officer during the course of investigation and the deceased appears to have committed suicide, as she was under some kind of depression and during her stay with the applicant for six long years, she did not make any complaint anywhere with regard to the demand of dowry or committing cruelty in lieu thereof and the same has been carved out subsequently.
5. It is further submitted that the financial status of the parties is not such which may corroborate the demand of Rs. 50,000/-, as is evident from the statement of the informant recorded before the trial Court.
6. It is next submitted that applicant is languishing in jail in this case since 22.07.2021 and till now only one prosecution witness has been testified before the trial Court and having regard to the

pace with which the case is traveling before the trial Court, it is not expected that the trial may conclude in near future. Applicant is not having any criminal history and he undertakes that he will remain present before the trial Court as and when his presence would be required and would not seek any adjournment especially on the occasion when the prosecution witnesses would be in attendance. There is no apprehension that after being released on bail he may flee from the course of law or may otherwise misuse the liberty.

7. Learned A.G.A. on the other hand submits that applicant is the husband of the deceased and he was more responsible for security of the deceased and keeping in view the two injuries found on the person of the deceased, he is not entitled to be released on bail.

8. Having heard learned counsel for the parties and having perused the record, it is evident that the deceased appears to have died a little after six years of her marriage with the applicant. The allegations, as are evident are to the tune that the deceased was being subjected to cruelty in lieu of demand of Rs. 50,000/-, out of which, Rs. 2500/- had been given by the informant to the applicant. The death of the deceased has admittedly occurred due to 'antemortem hanging' and the postmortem report would suggest that apart from a 'ligature mark' found around the neck of the deceased, two minor injuries have also been noticed on her person, however, the same are not the cause of death. The defence of the applicant appears to be that the deceased was under some kind of depression and had committed suicide. Main thrust has been given on the submission that despite the detention of the applicant in prison for more than two years, only one prosecution witness has been testified so far and, thus, the trial is not going to conclude in near future. Applicant is languishing in jail in this case since 22.07.2021 without any criminal antecedents and the presence of the applicant may be secured before the trial court by placing adequate conditions.

9. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

10. Let the accused/applicant- **Mintoo Alias Vimlesh** involved in above-mentioned case, be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following

conditions:-

(i) The applicant shall remain present before the trial court on each and every date whereon his presence would be required by the trial court and shall not seek any adjournment especially on the dates when the prosecution witnesses would be in attendance and undertaking to this effect shall also be given by the applicant-accused, before the trial court within 15 days from his actual release from the prison and the violation of this condition alone shall be a sufficient ground for the trial court to cancel the facility of bail granted by this Court.

(ii) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(iii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iv) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

13. 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 :- 28.11.2023

Praveen