

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2732 of 2023

Applicant :- Rahul Sharma

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

Counsel for Applicant :- Uma Shankar Verma, Brij Bhushan Singh, Sandeep Kumar Mishra, Vikas Chaturvedi

Counsel for Opposite Party :- G.A., Mahesh Kumar Sharma

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-**Rahul Sharma** for grant of bail in Case Crime No.0209 of 2022, under Section 306 IPC lodged at Police Station Bhati, District Ambedkar Nagar, 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 the applicant was not at all concerned with the suicide committed by the deceased and the allegations, as levelled in the FIR as well as in the statements of the prosecution witnesses, are false, concocted and could not be believed. It is also submitted that the families of the applicant and the deceased were having inimical terms with regard to partition of a land and, on this score, the name of the applicant has been dragged into this case, while there has been never any love affair between the applicant and the deceased and, the correct facts are to the tune that the deceased was having love affair with her coaching teacher and this rumour was spreading widely in the vicinity and it may be the reason behind commission of suicide by the deceased.
5. It is also submitted that the applicant is a student and is preparing for competitive examinations and further detention of the applicant may ruin his career. The applicant is languishing in jail in this case since 02.12.2022 and he is not having any previous criminal history. Charge sheet in this case has already been filed and there is no apprehension that after being released on bail he may flee from the course of law or may otherwise

misuse the liberty.

6. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed a heinous offence and, therefore, he is not entitled to be released on bail.

7. Having heard learned counsel for the parties and having perused the record, it is reflected that the deceased has committed suicide as is evident from the postmortem report of the deceased wherein a ligature mark has been found around her neck and cause of death has been ascertained asphyxia and shock as a result of antemortem hanging. In the FIR as well as in the statements of the informant and other prosecution witnesses it is stated that earlier the deceased was having affair with the applicant, however, being counselled the deceased had severed her relations from the applicant, but in spite of that the applicant was constantly teasing the deceased when she was going to coaching classes and the deceased was also forced to discontinue her coaching. However, on 10.11.2022 she had gone to her coaching class after a long time and she came to know that the applicant had taken a SIM in her name and had also placed DP of the deceased on his mobile phone and this information was given by the in-charge of the coaching centre to the deceased. It is also alleged that on 12.11.2022 the applicant was standing on his roof and was talking to the deceased and from that point of time the deceased became very sad and disturbed and she also did not take her dinner and committed suicide in the intervening night of 12/13.11.2022. Keeping in view, the above allegations levelled against applicant, the abetment, as defined under Section 107 IPC, may be inferred.

8. Perusal of record, in the background of submissions advanced by the learned counsel for the parties, would reveal that the allegation of teasing the deceased, who was a young-girl, has been levelled against the applicant. It is alleged that earlier the deceased was having a relationship with the applicant, however, after being counselled, she severed her relations, however, even thereafter the applicant was teasing her. It has also come in the statements of prosecution witnesses that on the fateful day the applicant was standing on the roof of his house and was talking to the victim, who was in her house and thereafter the deceased became extremely sad and in the same morning committed suicide.

9. Thus, keeping in view all the facts and circumstances of the case, I do not find any good ground to release the applicant on bail at this juncture.

10. In result, the bail application moved on behalf of the applicant – **Rahul Sharma** is hereby **rejected**.

11. However, the trial Court is directed to conclude the trial with utmost expedition, without granting adjournments to either of the parties. If all the witnesses of fact are not examined or trial is not concluded **within six months**, whichever is earlier, the applicant may approach this Court again for renewal of his prayer for bail.

12. Let a copy of this order be immediately transmitted to the trial Court concerned for strict compliance through the Sessions Judge concerned.

13. Let case diary of the case be immediately returned to learned A.G.A.

[Mohd. Faiz Alam Khan, J.]

Order Date :- 23.11.2023
MVS/-