

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3609 of 2023

Applicant :- Priti Agrahari And Another

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

Counsel for Applicant :- Dr. Pooja Singh, Chandrika Rani Upadhyay

Counsel for Opposite Party :- Siddharth Sinha, G A, Siddhartha Sinha, Siddharth Sinha

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard Dr. Pooja Singh, learned counsel for the accused-applicants as well as learned counsel representing the State, Shri Siddhartha Sinha, learned counsel for the complainant/informant and perused the record.

2. This bail application has been moved by the accused/applicants namely **Priti Agrahari** and **Pravesh Kumar** for grant of bail, in Case Crime No.475 of 2022, under Sections 120-B, 306, 506 I.P.C., Police Station Goshainganj, District Sultanpur, during trial.

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

4. It is further submitted that the F.I.R. of this case has been lodged by father of the deceased against the applicants and other named accused persons alleging therein that applicant no.1 Priti Agrahari had filed a false case of rape against his son, Vikas Agrahari and in that case Vikas Agrahari was confined in prison and the accused persons were demanding rupees ten lakh in lieu of his release from prison and were also intimidating that if Vikas would not solemnize marriage with applicant No.1 Priti Agrahari, they all would be done to death. Other family members of applicants were also stated to be involved in the conspiracy. It is also the case of the prosecution, as narrated in the F.I.R., that feeling humiliated/apprehended by the same, the deceased (Ravi Agrahari) has committed suicide on 14.09.2022 at 01.30 hours and has also written a suicide-note.

5. It is vehemently submitted that the applicant no.1 has lodged F.I.R. with regard to the atrocities committed on her by Vikas

Agrahari and the allegations of demand of Rs.10 lakh for settlement are absolutely false, concocted and could not be believed. It is further submitted that even if the suicide-note allegedly written by the deceased is believed as it is, no specific role has been assigned to the applicants and the role of intimidation has been assigned to applicant no.2 and against him charge-sheet has not been filed. It is also submitted that death of the deceased appears to have taken place in suspicious circumstances in his own house. In this regard, the attention of this Court has been drawn towards the postmortem report of the deceased wherein apart from a ligature mark found around his neck, a contusion has also been found on right side of his head and it has been vehemently submitted by the learned counsel appearing of the applicant that this injury has not been explained by the prosecution and it appears that the death of the deceased had occurred otherwise than in circumstances which have been stated in the F.I.R. and the real cause of death has been concealed by the prosecution. It is also submitted that to constitute an offence under Section 306 I.P.C., abetment must be of the magnitude and nature as defined under Section 107 I.P.C. and even if the case of the prosecution is admitted to be a case of abetment, the ingredients of abetment as defined under Section 107 I.P.C. are patently lacking.

6. It is next submitted that identically placed co-accused persons of the alleged crime, namely, Shiva Agrahari and Harish Agrahari have been released on bail by this Court vide orders dated 20.11.2023 and 28.11.2023 passed in Criminal Misc. Bail Application Nos.10185 of 2023 and 8577 of 2023, respectively. It is also submitted that the applicants are in jail in this case since 31.12.2022 and they are not having any criminal history. Charge sheet in this case has already been filed and there is no apprehension that after being released on bail the applicants may flee from the course of law or may otherwise misuse the liberty.

7. Learned A.G.A., however, opposes the prayer of bail of the applicants on the ground that the applicants are accused of committing an heinous offence and having regard to the material/evidence available against the applicants, they are not entitled to be released on bail, but could not controvert the other factual submissions made by learned counsel for the applicants.

8. Shri Siddhartha Sinha, learned counsel for the complainant/informant vehemently opposes the bail plea of the applicants on the ground that the applicants were part & parcel of a conspiracy, which has hatched to extort money from the deceased and in this regard intimidation was also given to the deceased and apprehending/humiliating by the same, he has

committed suicide. It is also stated that the abetment as defined under Section 107 I.P.C. is available in this case and, therefore, having regard to the fact that a young person has committed suicide on account of abetment given by the applicants, the applicants may not be enlarged on bail.

9. Perusal of record, in the background of submissions advanced by the learned counsel for the parties, would reveal that an F.I.R. was lodged by Priti Agrahari against son of informant of the instant F.I.R., namely, Vikas Agrahari under the relevant penal provisions including Section 376 I.P.C. and after investigation, the charge-sheet was also filed therein. Case of the prosecution is that some amount was being asked by the prosecutrix of that case (applicant no.1) in connivance with other accused persons and he was also threatened and feeling apprehended and humiliated the deceased has committed suicide. The defence of the applicant appears to be that if Vikas Agrahari was being pressurized/humiliated, there was no occasion for his brother-Ravi Agrahari (deceased) to commit suicide as the occasion and opportunity of committing suicide could only be available to Vikas Agrahari. The defence of the applicant also appears to be that after lodging of the F.I.R., the charge-sheet has also been filed and, therefore, no abetment as defined under Section 107 I.P.C. may be attributed to them and even if the suicide-note allegedly written by the deceased is believed as it is, the same could be sufficient to infer any abetment, so far as applicants are concerned. Admittedly, the death of the deceased has occurred in his house as is evident from the inquest report and apart from a ligature mark, a contusion has also been found on his head. Certain question-marks have been placed by the learned counsel for the applicant on the prosecution with regard to not explaining the injury found on the head of the deceased. Disputed questions of facts, in the considered opinion of this Court, may better be left to be appreciated by the trial court after an opportunity to lead evidence is provided to the parties. Identically placed co-accused person of the alleged crime, namely, Shiva Agrahari and Harish Agrahari have been released on bail by this Court. Thus having regard to all the facts and circumstances of the case and also keeping in view the submissions made by the learned counsel for the applicant, a case for bail appears to have been made out in favour of the applicants. They are in jail in this case since 31.12.2022 and they are not having any criminal history. Charge sheet in this case has already been filed. The presence of the applicants could be secured before the trial court by placing adequate conditions.

10. Having regard to the overall facts and circumstances of the case and 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 applicants have made out a case for bail. The bail application is thus **allowed**.

11. Let the accused/applicants namely **Priti Agrahari** and **Pravesh Kumar** involved in above-mentioned case, be released on bail on their furnishing personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

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

(ii) The applicants shall cooperate in the trial sincerely without seeking any adjournment.

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

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

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

14. 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 of this Court on the merits of the case.

Order Date :- 20.12.2023

Anupam S/-