

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4825 of 2023

Applicant :- Mohd Suleman

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

Counsel for Applicant :- Archana Rawat, Jyoti Rawat

Counsel for Opposite Party :- G.A., Shaquiel Ahmad

Hon'ble Mohd. Faiz Alam Khan, J.

1. Rejoinder affidavit filed on behalf of the applicant is taken on record.
2. The name of Shri Shaquiel Ahmad is printed in the cause list as counsel for the informant/opposite party no.2, however, he is not available.
3. Heard Ms. Archana Rawat learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
4. This bail application has been moved by the accused/applicant - **Mohd Suleman** for grant of bail, in Case Crime No.114 of 2022, under Sections 498A, 506, 304B I.P.C. and 3/4 of the Dowry Prohibition Act, Police Station Saadatganj, District Lucknow, during trial.
5. 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.
6. It is further submitted that applicant is the husband of the deceased, who a little after one year and three months of her marriage with the applicant, has caught fire accidentally while she was cooking food and the applicant, who was present in the house, attempted to save her life and in the process, he also sustained burn injuries, but could not save his wife, who had died after 8 days of her treatment in the hospital on account of development of septicemia.
7. Elaborating further, it is submitted that cause of death of the deceased could not be imputed to the burn injuries and it appears that some infection has developed due to lack of

adequate treatment and thus death has been caused due to development of infection i.e. septicemia. It is also submitted that though burn injuries were sustained by the applicant, but he was not medically examined. It is further submitted that the applicant has never demanded any dowry nor has treated the deceased with cruelty and thus allegations have been levelled afterwards while it was the applicant, who at first informed the informant and his family members.

8. It is next submitted that the applicant is in jail in this case since 06.06.2022 without any criminal history and the trial has not started yet and the 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.

9. Learned A.G.A. for the State vehemently opposes the prayer of bail of the applicant on the ground that after one year and three months of her marriage, an innocent lady has been done to death by the applicant and his family members for want of dowry and having regard to the evidence available against the applicant and manner in which the crime has been committed, applicant is not entitled to be released on bail.

10. Having heard learned counsel for the parties and having perused the record, it is evident that F.I.R. of this case has been lodged by the father of the deceased stating therein that his daughter has been burned by the applicant and his family members for want of dowry. In the additional statement of the informant as well as in the statement of other prosecution witnesses, demand of a motorcycle has surfaced. The postmortem report of the deceased would reveal that superficial to deep septicemic burn wound has been found on upper parts of the body of the deceased and pus pockets have also been found in lungs, liver, spleen and kidney and cause of death has been ascertained as septicemia as a result of ante mortem burn injuries. So far as the cases with regard to burn injuries are concerned, the development of septicemia is an after effect of the same that is to say that in each and every case of deep burning, the septicemia is likely occur and the same may not be associated for want of adequate treatment.

11. Thus, what is surfaced from the record is that the deceased had died little after one year and three months of her marriage with the applicant by burn injuries. Claims and counter claims have been advanced with regard to the occurrence of the incident as according to the prosecution, she has been done to death as she was put on fire intentionally while the case of the applicant is that she had accidentally caught fire while cooking

food, however, the same is subject matter of trial. Suffice is to say that the prosecution witnesses in their statements have also stated that soon before her death, the deceased was subject to cruelty in lieu of demand of a motorcycle. The beneficiary of motorcycle in all probability would be the husband. He has also not sustained any burn injuries while it has been claimed by him that he had attempted to save the life of the deceased.

12. Thus having regard to the evidence available on record against the applicant and his complicity in the crime, I do not find any good ground to release the applicant on bail. Thus the bail application moved on behalf of applicant - **Mohd Suleman** is hereby **rejected**.

13. However, the trial court is directed to proceed with the trial and make all out efforts to conclude the same expeditiously keeping in view the provisions as contained under Section 309 Cr.P.C. without granting unnecessary adjournment to either party and if within the period of one year from today, the trial is not concluded, the applicant may again approach this Court for renewal of his prayer for bail.

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.

15. Office is directed to immediately send a copy of the instant order to the trial court concerned for compliance.

Order Date :- 17.10.2023

Anupam S/-