

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5720 of 2022

Applicant :- Pawan Kumar Verma S/O Dinesh Chandra Verma

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

Counsel for Applicant :- Sumit Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

Heard Shri Sumit Kumar Srivastava, learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.

This bail application has been moved by the accused/applicant- **Pawan Kumar Verma** for grant of bail, in Case Crime No.54/2022, under Sections 498-A, 304-B I.P.C. & 3/4 Dowry Prohibition Act, Police Station- Patti, District- Pratapgarh, during trial.

Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The applicant is the husband of the deceased, however, he has never subjected the deceased to any cruelty in lieu of demand of dowry and the allegations of demand of dowry for committing physical assault on the deceased by the applicant and his family members have been drafted after the natural death of the deceased.

Highlighting the first information report, it is submitted that the same has been drafted with the help of a legal professional and it is not possible for any normal villager to have drafted the F.I.R in the faciology wherein it has been drafted.

It is also submitted that the death of the deceased had occurred after about more than four years of her marriage and in these four long years, no complaint has been made by the deceased to any public authority with regard to any ill treatment given to her and thus, it appears that due to the financial crisis with which the applicant was encountered at the relevant point of time, the deceased had committed suicide.

Highlighting the postmortem report as well as the statement of the Dr. Mohd. Ilias Ansari, who had conducted the postmortem, it is vehemently submitted that in the post mortem report, a

ligature mark has been found around the neck of the deceased without there being any other injury and the cause of death has been ascertained as asphyxia as a result of ante mortem hanging and the same has been fortified by the Dr. Mohd. Ilias Ansari as the death by hanging and therefore, there is no element of homicidal death as claimed by the informant. The applicant is in jail in this case since 23.02.2022 and till now, no prosecution witness has been testified and having regard to the pace, with which the trial is going in the trial Court, the same is not expected to conclude in near future. The applicant is not having any criminal history and there is no apprehension that after being released on bail the applicant may flee from the course of law or may otherwise misuse the liberty.

Learned A.G.A., on the other hand, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and moreover, he is the husband of the deceased, therefore, he is not entitled to be released on bail, but could not controvert the other factual submissions made by learned counsel for the applicant.

Perusal of the record would reveal that the death of the deceased had occurred after four years of her marriage with the applicant. The cause of death has been ascertained as asphyxia as a result of ante-mortem hanging and the doctor, who had conducted the post mortem, in his statement given to the investigating officer has fortified the death of the deceased due to hanging. Even after confinement of the applicant for a little more than one and half years, no prosecution witness has been testified before the trial Court. In the first information report, no allegation of demand of Rs.2 lakhs has been leveled while in the statement of the informant recorded under Section 161 Cr.P.C., for the very first time, the demand of Rs.2 lakhs has been show. No injury of any kind has been found on the person of the deceased at the time of the post mortem except the ligature mark. Applicant is in jail in this case since 23.02.2022 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

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 applicant has made out a case for bail. The bail application is thus **allowed**.

Let the accused/applicant- **Pawan Kumar Verma** 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 not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

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

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

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

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

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 :- 12.10.2023

Gurpreet Singh