

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6157 of 2023

Applicant :- Sheetla Prasad

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

Counsel for Applicant :- Pintoo

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the accused-applicant as well as Mr. Ashwani Kumar Singh, learned Additional Government Advocate, **on this 3rd application for bail** and gone through the entire record.

2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.0216 of 2021, under Sections 498-A, 304-B and 120-B IPC read with Section 3/4 of Dowry Prohibition Act lodged at Police Station Amethi, District Amethi.

3. The two earlier bail applications, being Criminal Misc. Bail Application Nos.1707 of 2022 and 6802 of 2022, were rejected by this Court, and while rejecting the bail plea of the accused-applicant lastly, the Court passed the following order:-

"1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application under Section 439 Cr.P.C. has been filed by the applicant seeking bail in FIR No.216 of 2021 under Sections 498A, 304B IPC, 3/4 Dowry Prohibition Act, Police Station Amethi, District Amethi.

3. First bail application got rejected by this Court vide order dated 13.04.2022 passed by Criminal Misc. Bail Application No.1707 of 2020 which reads as under:-

"1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in FIR No.216 of 2021, under Sections 498-A, 304-B, 120-B IPC and 3/4 of Dowry Prohibition Act, Police Station Amethi, District Amethi.

3. Accused-applicant is husband of the deceased, who was found dead in the house of the accused-applicant on 8.6.2021. Accused-applicant

got married with the deceased on 14.5.2017 and there is a daughter, who was one and a half year old at the time of incident.

4. Post-mortem report would disclose that the deceased died because of the asphyxia due to strangulation. Following ante-mortem injuries were found on the body of the deceased:-

"1. Ligature mark is horizontal continuous below thyroid length of ligature mark is 35 cm all around neck. No gap of ligature mark width of ligature mark is 1.5 cm below. 4 cm below Rt. Ear and 4 cm below of left ear.

2. No glistening present under ligature mark.

3. Hands both Rt. and Lt. Is clenched.

4. Ear bleeding present left ear."

5. Since the deceased has been murdered inside the house of the accused-applicant, it is for the accused-applicant to explain the special circumstances, under which the deceased was murdered. Accused-applicant has not lodged any FIR against any person regarding murder of the deceased.

6. Considering the fact that the deceased was wife of the accused-applicant, who was found murdered inside the house of the accused-applicant, this Court does not find any ground to enlarge the accused-applicant on bail.

7. Bail application is accordingly rejected."

4. Mr. Sukh Deo Singh, learned counsel for the accused-applicant submits that two witnesses of fact have been examined, who have not supported the prosecution case. Cause of death of the deceased, who was wife of the accused-applicant, was opined to be strangulation. If the medical evidence is believed, the deceased was killed inside the house of the accused-applicant. It is for the accused-applicant to explain how she got killed inside the house. Burden is on the accused-applicant.

5. Considering the facts and circumstances of the case, involvement of the accused-applicant in the commission of the offence, this Court does not consider it to be a fit case for enlarging the accused-applicant on bail at this stage. This bail application is thus, rejected. However, the trial Court is directed to conclude the trial proceedings expeditiously preferably within a period of 6 months subject to full cooperation by the accused."

4. Having heard the learned counsel for the accused-applicant and the learned Additional Government Advocate, I do not find any fresh ground which entitles the accused-applicant for enlarging him on bail. Thus, the present bail application is also **rejected**.

[D.K. SINGH, J.]

Order Date :- 19.5.2023

MVS/-