

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6527 of 2023

Applicant :- Karan

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

Counsel for Applicant :- Dhananjai Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

1. Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.

2. The accused- applicant is involved in Case Crime No. 634 of 2022, under Sections- 305 & 506 IPC,, Police Station - Motipur, District- Baharaich.

3. It is argued by learned counsel for applicant that the seventeen years old daughter of the first informant committed suicide on 02.11.2022. In this regard, an application on 02.11.2022 was submitted at Police Station- Motipur, District- Baharaich by the brother of the deceased that his seventeen years old sister has committed suicide by hanging herself from ceiling fan. On 04.11.2022, the mother of the deceased lodged an FIR stating that a suicide note has been found wherein along with the other co-accused person the applicant is said to be liable for suicide of her daughter. In fact, the deceased and the applicant were in love and when the mother of the girl refused for their marriage, the girl/deceased committed suicide. The girl was the daughter of applicant's maternal uncle. In an additional statement, the mother of the deceased the first informant has stated that the applicant and the first informant were in relationship and the applicant used to come their house, gradually he developed closeness with the deceased, they started talking on the mobile phone when the applicant was refused to come home, he started meeting the girl outside. He was also seen visiting her house in absence of family members. It is alleged that all this brought a bad name to the girl.

4. The girl, thereafter, was allegedly started being harassed and blackmailed at in hands of the applicant. Therefore, she committed suicide. The applicant is said to be languishing in jail since 16.10.2022. Hence the prayer for bail is made.

5. Learned A.G.A. opposed the prayer for bail of the applicant and submitted that the suicide note has been recovered from the deceased wherein it has been mentioned that the applicant along with other persons was responsible for the suicide of the deceased. Hence the relief for bail is prayed to be rejected.

6. Perusal of the record shows that it is case of suicide wherein seventeen years old daughter of the first informant committed suicide. It is stated that suicide note was recovered from the spot but suicide note has not been placed before this Court, however, "*avlokan of suicide report*" is placed before this Court by learned AGA wherein the Investigating Officer, after going through the suicide note, has mentioned in CD (case diary) that as per the suicide note the applicant along with other persons mentioned in the suicide note was responsible for this suicide. But how the applicant was responsible for this has not been specified either by the Investigating Officer or by the learned AGA. Though it is stated that as the relations of the deceased and the applicant were bringing bad name to the victim so she committed suicide but there is nothing on record to reveal that when the deceased was in talking terms with the applicant how she could commit suicide on the ground of bringing bad name to her in the society. The recording of CD mentioned in the statement of first informant has not been placed before this Court. The applicant is languishing in jail since 16.10.2022.

7. Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

8. The bail application is **allowed**.

9. Let **the applicant - Karan**, who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.

(ii) He will not tamper with the witnesses.

(iii) He will not indulge in any illegal activities during the bail period.

10. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

11. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 12.12.2023

Mohit Singh/-