

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10858 of 2022

Applicant :- Sumit Kumar Verma

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

Counsel for Applicant :- Dileep Kumar Yadav, Anurag Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Anurag Singh, learned counsel for applicant and learned A.G.A. for the State.

2. The present bail application has been filed by the applicant seeking bail in case crime no. 0981 of 2021, under section 493 I.P.C. and section 3/4 of Dowry Prohibition Act registered at Police Station-Kotwali City, District-Hardoi.

3. As per the version in the FIR, marriage of the first informant, a woman aged about 19 years, was fixed in April 2021 with the instant applicant-Sumit Kumar Verma. Both the families agreed with this marriage alliance and they solemnized the ceremonies of 'god-bharai' and 'tilak' on 28.04.2021 and 13.05.2021 respectively and the gifts were exchanged. Meanwhile, the first informant and his fiancée established physical relations. The allegation is that the accused/applicant thereafter, refused to marry her, saying that the informant's side will not be able to arrange for sufficient dowry. After investigation, chargesheet against the instant applicant under section 493 I.P.C. and section 3/4 of Dowry Prohibition Act has been submitted, dropping the names of other co-accused persons.

4. It is contended on behalf of the applicant that the filing of an FIR in this case is nothing but misuse of process of law. The marriage alliance was broken for certain disputes which arose after fixation of this marriage and after undergoing the preliminary round of ceremonies. No physical relations were established. It is further said that no offence under section 493 I.P.C. is made out, as the first informant was not put to any deception. The applicant is in custody since 06.07.2022 and has no criminal antecedents. It is further assured that he will abide by the conditions of bail, if any, imposed by the court and cooperate in trial.

5. The application for bail is opposed by learned A.G.A., however it is conceded that the applicant has no criminal history prior to this case and the applicant is in custody for quiet sometime.

6. I considered the nature of allegation, evidence proposed and all other facts and circumstances of the case including explanatory defence offered by the applicant in his contentions. In my view, a case for bail is made out.

7. Let applicant - **Sumit Kumar Verma** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 22.11.2023

Vikram