

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11937 of 2023

Applicant :- Govind Prasad

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

Counsel for Applicant :- Rizwanul Haque Ansari, Jayesh Dutt Dwivedi, Mandavi Pandey, Mohd Javed

Counsel for Opposite Party :- G.A., Amit Kumar Awasthi

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard Ms. Mandavi Pandey, learned counsel for the accused-applicant, Shri Amit Kumar Awasthi, learned counsel for the complainant/informant as well as learned A.G.A. for the State and perused the record.

2. This bail application has been moved by the accused/applicant- **Govind Prasad** for grant of bail, in F.I.R./Case Crime No. 95 of 2023 under Sections 498-A, 304-B I.P.C. and Section 3/4 D.P. Act, Police Station Pisawan, District Sitapur, during trial.

3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. Applicant is the father-in-law of the deceased, who had died within one year of her marriage with the son of the applicant by hanging herself inside her room. However, since the marriage of the son of the applicant with the deceased, the applicant was not having any concern with their affairs and was living separately in the same house.

4. It is further submitted that general allegations of demand of a 'motorcycle' and committing cruelty in lieu thereof has been levelled against all the accused persons named in the F.I.R., however, no specific role or overt act has been assigned to the instant applicant and in presence of the husband of the deceased, the applicant may not be deemed to be the beneficiary of the motorcycle, which was being allegedly demanded and since he was living separately in the same house, he may not be obliged to explain the circumstances under which the deceased has either been done to death or has committed suicide.

5. While drawing the attention of this Court towards the postmortem report as well as the inquest report of the deceased, it is submitted that only a ligature mark' has been found around

her neck and as per the opinion of the doctor, the death of the deceased has been caused due to 'asphyxia', as a result of 'antemortem hanging' and the dead body of the deceased has been found in her room where she was residing with her husband. Thus, it is a case of 'suicide' committed by the deceased.

6. It is also submitted that applicant is detained in prison in this case since 27.04.2023 and he is not having any criminal history 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.

7. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed heinous offence and, therefore, he is not entitled to be released on bail.

8. Shri Amit Kumar Awasthi, learned counsel for the complainant/informant submits that the deceased was being subjected to cruelty in lieu of demand of dowry and having regard to the fact that applicant was living in the same house, he is not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is evident that applicant is the father-in-law of the deceased. He is shown to be aged about 63 years. It is submitted by learned counsel for the applicant that applicant being the father-in-law of the deceased was living separately in the same house and was not having any concern with the affairs of his son and the deceased who was also living separately in the same house. The death of the deceased has been caused due to 'asphyxia', as a result of 'antemortem hanging'. The dead body of the deceased is shown to have been recovered from the room where she was allegedly residing with her husband. Applicant is in jail in this case since 27.04.2023 without any criminal antecedents and the presence of the applicant could be secured before the trial court by placing adequate conditions.

10. 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**.

11. Let the accused/applicant- **Govind Prasad** 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.

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

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

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 on the merits of the case.

Order Date :- 12.12.2023

Praveen