

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12001 of 2023

Applicant :- Pramod Kumar Pasi

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

Counsel for Applicant :- Amit Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Supplementary affidavit filed by the applicant today is taken on record.
2. Heard Shri Amit Kumar Singh, learned counsel for the applicant, Shri Rajesh Kumar Singh, learned AGA-I and perused the record.
3. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.67 of 2023, under Section 306 I.P.C., Police Station Atrauli, District Hardoi.
4. Learned counsel for the applicant has submitted that the brother of the deceased lodged FIR in which he has admitted that the marriage of the deceased had taken place prior to eight years and there is no allegation of dowry demand or harassment in the FIR. It is submitted that the deceased committed suicide by hanging herself for the reason that there was illicit relations with Amit who had made video clip and the same was shown to the applicant. Learned counsel submitted that after seeing the video clip, there was altercation between the deceased and the applicant and out of frustration, the deceased committed suicide and there is no abetment to suicide.
5. Learned counsel has invited attention of this Court towards the statement of Km. Manju, sister of the deceased who has stated that she had gone to the house of deceased and she accepted the fact that video clip was made by Amit and there was illicit relations between Amit and the deceased. This fact had come to the knowledge of the applicant and there was altercation between the applicant and the deceased. He submitted that no incriminating or direct evidence has been found against the applicant showing the complicity of the applicant in the criminal offence.
6. Learned counsel submitted that all other witnesses of the case have not stated to the extent that applicant was involved in the commission of crime. He has further submitted that for the last eight years of marriage, there was no harassment or any complaint of dowry demand against the applicant except the present case. This fact has

been stated in para 3 of the supplementary affidavit filed today. It has been submitted that applicant is in jail since 11.02.2023 having no criminal antecedents to his credit.

7. Learned AGA opposed the prayer for bail but could not show any incriminating or direct evidence showing that applicant was involved in commission of crime.

8. Without expressing any opinion on the merits of the case, after hearing learned counsel for the parties and considering argument that deceased committed suicide; argument that for the last eight years, no complaint regarding dowry harassment has been made; argument that witnesses have not supported the prosecution case and further argument that the case of the applicant is distinguishable from co-accused Amit ; I am of the view that it is a fit case for grant of bail.

9. Let the applicant, **Pramod Kumar Pasi** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. 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 :- 11.10.2023

Pks