

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12535 of 2023

Applicant :- Salare

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

Counsel for Applicant :- Dinesh Kr. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. Present bail application has been filed seeking bail on the additional charge framed against the applicant under Section 302/34 IPC. Earlier, this Court vide order dated 17.07.2023 had enlarged the applicant on bail under Section 306, 498A IPC read with Section 3/4 of Dowry Prohibition Act. Subsequently, the charge has been framed under Section 302/34 IPC.
3. Learned AGA has opposed the bail application.
4. In view of the contention of counsel for the applicant and on perusal of the post-mortem report, the inquest report coupled with the fact that the applicant has not misused the liberty of bail granted earlier, the applicant who is the father-in-law and the allegations are primarily not supported by the FIR or the inquest report, the applicant is entitled to be enlarged on bail. In view thereof, the application is **allowed**.
5. Let the applicant **Salare** be released on bail in FIR No.215 of 2022, under Section 302/34 IPC, P.S. Harraiya, District Balrampur with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;
 - (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
 - (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
6. The applicant need not to furnish fresh sureties and the sureties furnished by the applicant in terms of the order dated 17.07.2023 passed in Criminal Misc. Bail Application No.8936 of 2023 shall be treated as sureties in this case also.

Order Date :- 5.12.2023

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