

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12945 of 2023

Applicant :- Ramkishun

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

Counsel for Applicant :- Alok Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned A.G.A. informs that she has procured complete instructions in the matter including the case diary.
2. Heard Shri Alok Kumar Mishra, learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Ramkishun** for grant of bail, in Case Crime No. 0266 of 2023, under Sections 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Sandila, District Hardoi, during trial.
4. 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 has died after one and half year of her marriage with the son of the applicant and general allegations of demand of 'motorcycle' as dowry and subjecting the deceased to cruelty in lieu of such demand has been levelled against all the accused persons named in the F.I.R. including the instant applicant and no specific role or overact has been assigned to the applicant.
5. It is further submitted that by any stretch of imagination it could not be believed that applicant may be the beneficiary of dowry (motorcycle), which was being allegedly demanded in the presence of the husband of the deceased and since the marriage of the deceased with the son of the applicant he was not having any concern with their affairs as they were living separately in the same house.
6. It is also submitted that in the statement of the prosecution witnesses, all allegations have been levelled against the husband, namely, Pankaj and the informant in his statement

recorded under Section 161 Cr.P.C. has categorically stated that it was husband Pankaj, who was assaulting the deceased on a regular basis in lieu of demand of a 'motorcycle' (bullet) and was also intimidating that if the demand of motorcycle is not fulfilled, he would cause the death of the brother of the deceased. Thus, all allegations have been levelled against the husband of the deceased.

7. It is next submitted that applicant is in jail in this case since 27.06.2023 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.

8. 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.

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. The postmortem report of the deceased would reveal that a 'ligature mark' was 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'. Separate living has been claimed by the applicant, who is mother-in-law of the deceased. It is vehemently submitted on behalf of the applicant that the applicant could not be the beneficiary of any dowry (motorcycle) which was being allegedly demanded. Applicant is in jail in this case since 27.06.2023 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- **Ramkishun** 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 :- 2.11.2023

Praveen