

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13085 of 2023

Applicant :- Dayaram Pal

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

Counsel for Applicant :- Pankaj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned AGA informs that she has procured complete instructions in the matter including upto date case diary and charge sheet in this case has already been filed.
2. Heard Shri Pankaj Kumar, 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- **Dayaram Pal** for grant of bail, in Case Crime No. 0298 of 2023, under Section 306 IPC, Police Station Mill Area, District Raebareli, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The First Information Report has been lodged by the wife of the deceased against the applicant, his wife and his father and applicant is the real brother of the deceased.
5. Elaborating further, it is submitted that in fact after the marriage of the deceased with the informant in the year 2013, the father of the applicant and deceased had ousted the deceased out of the house as they were not carrying cordial relations and since 2013 the deceased was living separately along with his wife (informant) and they were not having any relations, however the deceased was annoyed of not getting any share in the properties of his father (Ram Avadh Pal) and it appears that on account of some financial distresse he had committed suicide.
6. It is further submitted that apart from apprehension and suspicion there is no material collected by the Investigating Officer, which may even remotely project as abetment and there is no connection between any act or omission of the applicant

with the commission of suicide by the deceased and the suicide note consisting of only three lines which is shown to have been left behind by the deceased only shows the strained relationship of the applicant with the deceased as no immediate cause has been shown from which it may be inferred that any abetment was given by the applicant, more-so when no call details record is available with regard to any communication of the applicant with the deceased.

7. It is further submitted that identically placed co-accused, namely, Anita @ Anita Pal has been granted Anticipatory bail by a Coordinate Bench of this Court, vide order dated 5.9.2023 passed in Criminal Misc. Anticipatory Bail Application under Section 438 Cr.P.C. No. 1964 of 2023. The applicant is in jail in this case since 04.08.2023 and he is not having any criminal antecedent. Charge sheet in the matter has already been filed and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty.

8. Learned A.G.A. on the other hand submits that it is on account of strained relationships between the applicant and other co-accused persons with the deceased who had committed suicide and clearly mentioned the name of the applicant in suicide note left behind and therefore the applicant is not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is reflected that the deceased had committed suicide by hanging himself as it is evident from the postmortem report wherein 2 parallel ligature marks have been found around the neck of the deceased and cause of death has been ascertained as 'asphyxia' due to ante-mortem strangulation, however, the matter was referred to State Medico-legal Cell which was of the opinion, having regard to the reasons given in its report that the death appears to have been occurred as a result of suicide. The applicant is stated to be living separately for last many years and this fact appears to be admitted to all the parties. Identically placed co-accused person, namely, Anita @ Anita Pal has been granted Anticipatory bail by a Coordinate Bench of this Court. The role of the instant applicant is at par with co-accused Anita. The applicant is in jail in this case since 04.08.2023 and he is not having any criminal history. His presence may 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 and demerits of the case, I am of the considered view that applicant has made out a case for bail. Thus, the bail application is **allowed**.

11. Let the applicant- **Dayaram Pal** involved in the aforesaid case be released on bail on 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 are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

Order Date :- 6.11.2023

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