

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13417 of 2023

Applicant :- Suresh Chandra

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

Counsel for Applicant :- Prabhakar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard Sri Prabhakar Srivastava, learned counsel for the applicant as well as Sri Vinod Kumar Yadav, learned A.G.A. for the State and perused the record.

2. This bail application has been filed seeking release of the accused/applicant Suresh Chandra on bail, who is involved in Case Crime No. 273 of 2021 under Sections 498-A, 304-B I.P.C, 504 IPC and 3/4 D.P. Act, Police Station Harpalpur, District-Hardoi.

3. Learned counsel for the applicant submits that the father of the deceased has lodged the first information report making general allegation of demand of dowry of one motorcycle and a gold chain. It has been mentioned that the deceased was harassed by the entire family and he got information on 18.06.2023 that his daughter was not feeling well thereafter, he had gone to the house of his daughter, but he did not find her. He saw the dead body of her daughter in sealed cover. Learned counsel for the applicant submitted that deceased committed suicide by hanging herself and he submitted that there was quarrel between the deceased and her husband and that is why she committed suicide. Learned counsel for applicant further submitted that the deceased died by hanging herself and there is no internal or external injury found on the body of the deceased except of the ligature mark in the neck caused due to hanging. He submitted that the caused of death is antemortem hanging. He next submits that the applicant is living separately and this fact has been ascertained in the statement of sister of deceased and she has mentioned that the applicant as well as the deceased were residing separately.

4. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the instant matter. He further submitted that the applicant is not involved in commission of crime in any manner and no prior complaint against the applicant for dowry demand or harassment was ever

filed prior to the present case. He stated that there is no previous criminal history of the applicant as has been mentioned in paragraph 23 to the instant application and he is languishing in jail since 21.07.2023.

5. Learned A.G.A has opposed the prayer of bail of the applicant and has submitted that it is a case of dowry death, therefore, the bail of applicant is liable to be rejected.

6. Considering the facts and circumstances of the case, perusing the record, also considering the nature of allegations, arguments advanced by the learned counsel for the parties, the applicant as well as the deceased were living separately, the argument that deceased committed suicide by hanging herself, therefore she committed suicide by hanging herself, the argument that no external or internal injury is found on the body of the deceased except the ligature mark on the neck which was caused due to hanging, I find it to be a fit case for grant of bail.

7. Accordingly, the bail application is **allowed**.

8. Let the applicant **Suresh Chandra** 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 her 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.

9. 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 :- 24.11.2023

Mayank