

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13464 of 2023

**Applicant :-** Anil

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

**Counsel for Applicant :-** Ankur Pandey, Santosh Kumar Dubey

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mohd. Faiz Alam Khan, J.**

1. Rejoinder affidavit filed on behalf of the applicant is taken on record.

2. Heard Shri Ankur Pandey, 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- **Anil** for grant of bail, in Case Crime No. 571/2022, under Sections 498-A, 304-B IPC and Section 3/4 D.P. Act, Police Station Kotwali Dehat, District Gonda, during trial.

4. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. He is brother-in-law (Dewar) of the deceased, who appears to have committed suicide after three years of her marriage with the brother of the applicant. However, since the marriage of the deceased with the brother of the applicant they were living separately in the same house and the applicant was not having any concern with their affairs.

5. It is further submitted that general allegation of demand of a motorcycle has been levelled against all the accused persons named in the FIR. However, in presence of the husband of the deceased the applicant may not be deemed to be the beneficiary of the motorcycle, while specific allegations has been levelled against the husband of the deceased with regard to the demand of motorcycle.

6. It is further submitted that since the applicant was living separately in the same house, he may not be obliged to explain the circumstances under which the deceased had committed suicide. The applicant is in jail in this case since 27.01.2023 and having regard to the pendencies before the trial court, the

instant case is not expected to conclude in near future. The applicant is not having any criminal antecedent 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.

7. Learned A.G.A. on the other hand submits that the applicant is accused of committing an heinous offence, therefore, he is not entitled to be released on bail.

8. Having heard learned counsel for the parties and having perused the record, it is reflected that a ligature mark has been found on the neck of the deceased along with multiple contusions over right side, lateral aspect of right arm, however, the cause of death has been ascertained as 'asphyxia' as a result of ante-mortem hanging. General allegations of demand of a motorcycle have been levelled against all the accused persons named in the FIR. The defence of the applicant appears to be that in presence of the husband of the deceased, the applicant may not be the beneficiary of the motorcycle, which was being allegedly demanded and separate living in the same house have been claimed and another defence appears to be that the deceased was insisting her husband to take her with him and it is on account of non-fulfillment of this wish, the deceased is said to have committed suicide. The applicant is in jail in this case since 27.01.2023 and he is not having any criminal antecedent. His presence may be secured before the trial court by placing adequate conditions.

9. 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. The bail application is **allowed**.

10. Let the applicant- **Anil** 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.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

13. 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 :- 19.12.2023**

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