

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13897 of 2023

**Applicant :-** Ajeet Kumar And Another

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

**Counsel for Applicant :-** Suresh Kumar Yadav

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

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

1. Learned A.G.A. informs that he has procured complete instructions in the matter including up-to-date case diary and charge sheet in this case has also been submitted.

2. Heard Shri Suresh Kumar Yadav, learned counsel for the accused-applicants as well as learned A.G.A. for the State and perused the record.

3. This bail application has been moved by the accused/applicants- **Ajeet Kumar** and **Aman Verma** for grant of bail, in Case Crime No. 278 of 2023, under Sections 498-A, 304-B, 323 I.P.C. and Section 3/4 D.P. Act, Police Station Safdarganj, District Barabanki, during trial.

4. Learned counsel for the accused-applicants while pressing the bail application submits that it is a case of false implication. Applicants are brother-in-laws (devar) of the deceased who had died a little after 14 months of her marriage with the brother of the applicants by committing suicide.

5. It is vehemently submitted that since the marriage of the brother of the applicants with the deceased they were not having any concern with their affairs and were living separately in a different village. Reliance in this regard has been placed on the 'Aadhar cards' of the applicants placed at Page No. 19 and 20 of the paper book, wherein their address has been shown as of Village Pandari Bhanoli, District Barabanki.

6. It is further submitted that general allegations of committing cruelty with the deceased in lieu of demand of dowry has been assigned to all the accused persons and no specific role of any kind has been attributed to the applicants and since they were living separately in a different village, they may not be obliged to explain the circumstances under which the deceased had died or committed suicide, as the same could only be explained by

their brother.

7. It is also submitted that a 'suicide note' is also claimed to have been left behind the deceased, wherein no allegation of any kind has been levelled against the applicant and all the allegations and averments are with regard to the husband and parents-in-law. Applicants are languishing in jail in this case since 09.10.2023 and they are not having any criminal history. Charge sheet in this case has already been filed and there is no apprehension that after being released on bail they 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 applicants on the ground that the applicants have committed an heinous offence and therefore, they are 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 applicants are the brothers-in-law (devar) of the deceased. The death of the deceased, as is evident from the postmortem report has been assessed due to 'asphyxia' as a result of 'antemortem hanging'. A ligature mark has also been found around her neck and it is in this background, it is submitted that the deceased has committed suicide. No specific allegation of any kind has been levelled by the deceased in her suicide note. Applicants are languishing in jail in this case since 09.10.2023 without any criminal antecedents. Charge sheet in this case has also been filed and the presence of the applicants may be secured before the trial court by placing adequate conditions. Separate living has also been claimed.

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/applicants- **Ajeet Kumar** and **Aman Verma** involved in above-mentioned case, be released on bail on their furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicants shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicants shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicants 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 :- 24.11.2023**

Praveen