

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14252 of 2023

Applicant :- Rohit Maurya

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home, Lko.

Counsel for Applicant :- Karan Veer Singh, Bal Keshwar Srivastava, Rajneesh Maurya, Ravi Patel

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Balkeshwar Srivastava, learned counsel for the applicant, Sri Shikhar Srivastava, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.165 of 2023, under Sections 498-A, 304-B, 201 I.P.C. and Section 3/4 of Dowry Prohibition Act, registered at Police Station- Kotwali Tanda, District- Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.07.2023 against the applicant, his mother and his father alleging therein that the informant got his daughter married to the applicant on 31.05.2022. Thereafter, his daughter was harassed for demanding dowry. She had delivered a boy about a month ago and the dead body of the informant's daughter and her son was found in a canal. The post-mortem examination report mentions no injury on the body of the informant's daughter and her son had suffered bleeding from his nostril although no injury was visible on his body as well.

In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely

implicated in the present case and he has no criminal history. Learned counsel for the applicant further submitted that the deceased was a short tempered lady and she had left home in the night because of a quarrel and thereafter her body was found in canal along with the body of her son.

The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the deceased has not suffered any injury on any part of her body and prima facie there is no material to indicate that she had been subjected to any cruelty soon before her death; she died because of drowning; prior to her death, no complaint of any sort of ill treatment by the accused persons was lodged that the applicant has no previous criminal history and he is languishing in jail since 11.08.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

Accordingly, this bail application stands **allowed**.

Let the applicant- Rohit Maurya be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 4.12.2023/Manoj K.