

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14442 of 2023

Applicant :- Sonu Rawat

Opposite Party :- State Of U.P. Thru. Secy. Home Civil Sectt. Lko

Counsel for Applicant :- Santosh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

1. Heard learned Counsel for the applicant as well as learned Brief Holder for the State and perused the record.
2. The accused- applicant is involved in Case Crime No. 140 of 2023, under Sections 326, 307 and 452 IPC, Police Station Baddupur, District Barabanki.
3. It is argued by learned counsel for applicant that both, the alleged victim and the applicant were having love affairs. The applicant was going to Saudi Arabia and the victim was not ready for the same. Both, the applicant and the victim with the intention of committing suicide poured petrol themselves and lit the fire. The applicant did not pour petrol on the victim. The applicant is languishing in jail since 03.07.2023.
4. Learned Brief Holder for the State opposed the prayer for bail of the applicant and submitted that it was the applicant only who entered in the house of the victim along with petrol and poured it on the victim. The applicant lit the fire also. He poured the petrol on him and put himself also on the fire. If the applicant had not come with the intention of committing the crime why did he come to the house of the victim along with the petrol. The prosecution case is supported with the statement of the witnesses including the statement of the victim and her

sister Ritika, who is said to be present on the spot at the time of incident. The victim is said to have sustained 40% thermal burns.

5. As per the FIR, the victim aged about 17 years was preparing meals at her home along with her younger sister Ritika, rest members of the family had gone on the fields, the applicant entered into their house with the intention of causing death of the victim poured petrol on her and lit the fire. Hearing hue and cry of the victim, neighbours came and somehow the fire was extinguished.

6. As per the medical report, 40% burns are found on the person of the victim. The applicant is also said to have sustained burn injuries. In support of the prosecution version, the dying declaration of victim Manisha recorded by Nayab Tehsildar Sharad Singh is on record wherein she has stated that Sonu poured the petrol on her face and threw burning match stick on her. Immediately he poured petrol on himself and put him also on fire. She started crying and went towards the roof and put her face into a bucket full of water and got the fire extinguished. It is also stated by her that the applicant wanted to have talk with her on the telephone but she did not permit him for the same. It is also alleged that the applicant gave threat of causing death of the father of the victim by administering him poison. This statement of the victim of pouring petrol by the applicant and lighting the fire is supported by the statement of Ritika, her younger sister present along with her in the house at the time of the incident and also by the statement of her mother Sharda and aunt Savitri and various other neighbours, appended with the case diary. As per medical report, the victim sustained 40% thermal burn injuries.

7. Perusing the record, considering the facts and circumstances

of the case, the nature of allegations, arguments advanced by the learned counsel for the parties, I do not find it a fit case for bail.

8. The bail application is rejected.

Order Date :- 7.12.2023

Virendra