

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14137 of 2023

Applicant :- Ram Kumar

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-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- **Ram Kumar** 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-applicant while pressing the bail application submits that it is a case of false implication. Applicant is the father-in-law of the deceased who had died a little after 14 months of her marriage with the son of the applicant by committing suicide.

5. It is vehemently submitted that since the marriage of the son of the applicant with the deceased he was not having any concern with their affairs and was living separately in a different village. Reliance in this regard has been placed on the 'Aadhar card' of the applicant, placed at Page No. 23 of the paper book, wherein his residence has been shown as of Village Pandari, District Barabanki as well as reference has also been made on the statement of the mother of the deceased, namely, Geeta Devi, wherein she has admitted that the applicant (father-in-law of the deceased) and brothers-in-law of the deceased, namely, Ajeet Kumar and Aman Verma were residing at Village Pandari, Barabanki and it is on this basis it is submitted that since the applicant was living in a separate village and was not having any concern with the affairs of the deceased, he was not in a position to commit cruelty with the

deceased in lieu of any demand of dowry and may also not be the beneficiary of the dowry in presence of the husband of the deceased.

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 applicant and since he was living separately in a different village, he 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 the husband.

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 brothers-in-law. Applicant is languishing in jail in this case since 09.10.2023 and he is 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 he may flee from the course of law or may otherwise misuse the liberty. Identically placed co-accused persons, namely, Sanju Devi and Ajeet Kumar and Aman Verma have been granted bail by this Court, vide orders dated 24.11.2023 and 24.11.2023 passed in Crl. Misc. Bail Application Nos. 13938 of 2023 and 13897 of 2023, respectively.

8. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and therefore, he is 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 applicant is the father-in-law 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. Identically placed co-accused persons, namely, Sanju Devi and Ajeet Kumar and Aman Verma have been granted bail by this Court. Applicant is 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 applicant may be secured before the trial court by placing adequate conditions. Applicant is shown to be residing at a different village.

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/applicant- **Ram Kumar** involved in above-mentioned case, be released on bail on his 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.

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 :- 6.12.2023

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