

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14231 of 2023

Applicant :- Rahul Kumar Maurya

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

Counsel for Applicant :- Gopesh Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Gopesh Tripathi, learned counsel for the applicant, Sri Rajesh Kumar Singh, 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. 103 of 2023, under Sections 302, 364, 201 I.P.C., registered at Police Station Mahanagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.05.2023 at 23:35 Hours alleging that the marriage of informant's daughter was scheduled to take place with the applicant on 04.05.2023. The applicant had called the informant's daughter by making a phone call at 8:30 AM on 04.05.2023 but she did not come back. The informant had lodged a missing report on 04.05.2023 and thereafter her dead body was found in a jungle on 09.05.2023. The informant suspected that the applicant had abducted and killed his daughter.

4. 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.

5. Post mortem examination of the dead body mentions that the death took place about a week's ago. The body has been highly decomposed and cause of death could not be ascertained.

6. In the statement of the informant recorded under Section 161 Cr.P.C., he stated that her daughter had gone with the applicant at 8:30 AM on 04.05.2023 but she did not return and she had not reach the beauty parlour also. He has gone to lodge missing report along with the applicant and thereafter the applicant went into hiding.

7. Learned counsel for the applicant has submitted that the applicant and the deceased belong to different castes and, therefore, the informant and his family members were opposing the marriage of the applicant with the deceased. He has submitted that the expenditure regarding the marriage was incurred by the deceased herself and in support to this contention, some receipts of expenditure have been annexed with the affidavit filed in support of the application.

8. Witness Sukhnandan Dixit stated that he had seen the applicant with the deceased in the morning of 04.05.2023. He had been invited in the wedding ceremony and he had gone to the wedding along with his family and had dinner there. He had enquired about the informant from the informant's wife and she had told him that the informant was present in a room on the upper floor of the marriage hall. No talk was held in respect of the deceased.

9. The learned A.G.A. has opposed the prayer for bail and has submitted that the applicant was last seen with the deceased and, therefore, *prima facie* it appears that he has committed the offence and he is not entitled to be released on bail.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that even as per the informant, the deceased had gone away from her home in the morning of 04.05.2023; a missing report was lodged on the same day and the applicant himself had gone to lodge the missing report; in spite of the bride having gone missing, the informant hosted the wedding feast and he did not disclose to the guests that the bride had gone missing; that the

informant's wife told a guest that the informant was present on the upper storey of the marriage hall; that the dead body was recovered on 09.05.2023 and the deceased was not seen with the applicant in close proximity of the recovery of dead body; that the applicant has no previous criminal history and he is languishing in jail since 10.05.2023 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.

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

12. Let the **applicant**-Rahul Kumar Maurya be released on bail in aforementioned 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.

13. It is clarified that the observations made in this order will not affect the trial of the case.

(Subhash Vidyarthi, J.)

Order Date :- 4.12.2023
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