

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14466 of 2023

Applicant :- Mohd. Iqbal Ansari

Opposite Party :- State Of U.P. Thru. Secy. Ministry Of Home Affairs Lko.

Counsel for Applicant :- Fahmid Ahmad

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.
2. Heard 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- **Mohd. Iqbal Ansari** for grant of bail, in Case Crime No. 75 of 2023, under Sections 498-A, 304-B I.P.C. and Section 3/4 D.P. Act, Police Station Malihabad, District Lucknow, 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 husband of the deceased and the deceased appears to have committed suicide, as she was not in a position to conceive. In this regard, various prescriptions placed on record has been highlighted.
5. It is further submitted that the story, as cooked up by the informant and other family members of the deceased after her death could not be believed, as the deceased had resided with the applicant for six long years and in these years she has not made any complaint to any public authority.
6. It is also submitted that all story, which has been cooked up by the prosecution could not be believed on the touchstone of probability. Applicant is languishing in jail in this case since 26.05.2023 and he is not having any criminal history and he has never treated the deceased with cruelty nor has demanded any dowry, as claimed by the informant and other prosecution witnesses. There is no apprehension that after being released on bail he may flee from the course of law or may otherwise misuse the liberty.

7. Learned A.G.A. on the other hand submits that the deceased had died otherwise than in normal circumstances (by hanging) in the house of the applicant and the applicant being the husband of the deceased was more responsible for her welfare. The informant as well as all the prosecution witnesses whose statements have been recorded by the investigating officer, have stated in specific terms that the deceased was being treated with cruelty in lieu of demand of a 'Car' and, thus, keeping in view that the applicant is the husband of the deceased, he is not entitled to be released on bail.

8. Perusal of the record in the background of the submissions advanced by learned counsel for the parties would reveal that the deceased had died a little before six years of her marriage with the applicant. In the F.I.R., allegation has been levelled that soon before her death the deceased was being subjected to cruelty in lieu of demand of a 'Swift Dzire Car'. The postmortem report of the deceased would reveal that a 'ligature mark' has been found around her neck and the cause of death has been ascertained as 'asphyxia', as a result of 'antemortem hanging'. The demand of a 'Car' prima facie suggest that it can only be used by the applicant vis-a-vis the other family members of the deceased. Admittedly applicant is the husband of the deceased and he was more responsible for her welfare.

9. Thus, having regard to all the facts and circumstances of the case and also keeping an eye on Section 113-B of the Indian Evidence Act, I do not find any good ground on the basis of which the facility of bail may be extended to the applicant.

10. In result, the bail application moved on behalf of the applicant- **Mohd. Iqbal Ansari** is, hereby, **rejected**.

11. The trial Court is, however, directed to conclude the trial expeditiously without granting unnecessary adjournments to the parties and even if all the witnesses of fact are not examined **within six months** from today or the trial is not concluded within the same period, whichever is earlier, the applicant would be entitled to renew his prayer of bail again before this Court.

12. A copy of this order be immediately sent to the trial Court through the Sessions Judge concerned for strict compliance.

13. 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 :- 8.12.2023/Praveen