

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14471 of 2023

Applicant :- Raman Kumar

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Deptt. Govt. Civil Sectr. Lko.

Counsel for Applicant :- Vivek Kumar Pandey

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- **Raman Kumar** for grant of bail, in Case Crime No. 0171 of 2023, under Sections 498-A, 304-B I.P.C. and Section 3/4 D.P. Act, Police Station Motiganj, District Gonda, 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 brother-in-law (devar) of the deceased whose marriage was solemnized with brother of the applicant about one and half year ago and she appears to have committed suicide by hanging herself.
5. It is further submitted that general allegation of demand of Rs. 50,000/- and a 'gold chain' have been levelled in the first information report and the statement of prosecution witnesses. However, general allegations have been levelled against all the accused persons named in the F.I.R. and no specific role of any kind or any overt act has been attributed to the instant applicant.
6. It is further submitted that since the marriage of the deceased with brother of the applicant, they were living separately, as is evident from the site plan prepared by the investigating officer, a copy of which has been placed at Page No.28 (Annexure No.3) to the bail application, wherein the investigating officer has shown to separate house of the applicant and his brother Vinod.

7. It is vehemently submitted that since the applicant was living separately in a separate house, he may not be obliged to explain the circumstances under which the deceased has died or has been done to death or has committed suicide, as the same can only be explained by the husband, who was living with the deceased.

8. It is next submitted that death of the deceased has also been found in her room where she was residing with her husband. Applicant is languishing in jail in this case since 28.08.2023 and he is not having any criminal history 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.

9. Learned A.G.A. on the other hand submits that the applicant has committed an heinous offence and, therefore, he is not entitled to be released on bail.

10. Having heard learned counsel for the parties and having perused the record, it is evident that in the F.I.R. as well as in the statement of the prosecution witnesses general allegations of demand of a dowry and subjecting the deceased to cruelty in lieu of such demand has been alleged. No overact has been attributed to applicant. It is vehemently submitted on behalf of the applicant that in presence of the husband of the deceased the applicant ('devar' of the deceased) could not be deemed to be the beneficiary of the dowry which was being allegedly demanded. Separate living has also been claimed by the applicant. Applicant is languishing in jail in this case since 28.08.2023 without any criminal antecedents and the presence of the applicant may be secured before the trial court by placing adequate conditions.

11. 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**.

12. Let the accused/applicant- **Raman 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.

13. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

14. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

15. 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