

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14544 of 2023

Applicant :- Ramesh

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

Counsel for Applicant :- Chandra Bhushan

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 the case diary and charge sheet has also been submitted.

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- **Ramesh** for grant of bail, in Case Crime No. 531 of 2023, under Sections 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Pihani, District Hardoi, 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 within three years of her marriage with the son of the applicant by 'hanging'. However, since the marriage of the deceased with the son of the applicant, he was not having any concern with their affairs and was living separately in the same house.

5. It is further submitted that since the applicant was living separately, he may not be obliged to explain the circumstances under which the deceased had died or done to death, as the same can only be explained by the husband of the deceased.

6. It is further submitted that the dead-body of the deceased has been found on the first floor of the house, wherein the deceased was living with her husband and the cause of death in the postmortem report has been ascertained due to 'asphyxia', as a result of 'antemortem hanging' and in the inquest report, an opinion has been formed that the death of the deceased has been caused by hanging. Thus, it appears to be a case of 'suicide' and the reason for commission of suicide may only be explained by the husband (son of the applicant).

7. It is further submitted that by any stretch of imagination it could not be believed that applicant may be the beneficiary of any dowry, which was being allegedly demanded in the presence of the husband of the deceased. He is aged about 54 years. He is in jail in this case since 06.10.2023 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.

8. It is also submitted that applicant has never demanded any dowry or subjected the deceased to cruelty in lieu of such demand and all the allegations levelled in the F.I.R. as well as in the statement of the prosecution witnesses, are of general nature and no specific role or overt act has been assigned to the instant applicant.

9. It is further submitted that identically placed co-accused person, namely, Kanti Devi Alias Gilli had been granted the facility of bail by this court vide order dated 8.12.2023, passed in Crl. Misc. Bail Application No. 14451 of 2023, respectively. A copy of this order is placed on record.

10. Learned A.G.A., however, opposes the prayer of bail of the applicant and submits that applicant is the father-in-law of the deceased and, thus, the demand of 'jewellery' may only be imputed to him and, therefore, he is not entitled to be released on bail.

11. Having heard learned counsel for the parties and having perused the record, it is reflected that the deceased has committed suicide within three years of her marriage with the son of the applicant. Separate living has been claimed by the applicant, who is father-in-law of the deceased. The postmortem report of the deceased would sufficiently project that only a 'ligature mark' has been found around her neck and apart from that, no injury of any kind has been noticed and the cause of death has been ascertained due to 'asphyxia', as a result of 'antemortem hanging'. It is vehemently submitted on behalf of the applicant that since the applicant was living separately in the same house, he may not be the beneficiary of any dowry, which was being allegedly demanded nor he may be obliged to explain the circumstances under which the deceased had died or done to death, as the same can only be explained by the husband of the deceased. Identically placed co-accused person, namely, Kanti Devi Alias Gilli had been granted the facility of bail by this court. Applicant is in jail in this case since 06.10.2023 without any criminal antecedents. Charge sheet in this case has already been submitted and the presence of the applicant could be secured before the trial court by placing

adequate conditions.

12. 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**.

13. Let the accused/applicant- **Ramesh** involved in above-mentioned case, be released on bail on him 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.

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

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

16. 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 :- 11.12.2023

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