

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14662 of 2023

Applicant :- Mani Ram

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Lucknow

Counsel for Applicant :- Dheeraj Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the applicant, Sri Abhai Kumar Singh, learned AGA-I for the State and perused the record.
2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.423 of 2023 under Section 306 IPC, PS Sahabad, district Hardoi.
3. Learned counsel for the applicant has submitted that deceased died in the night on 17/18.5.2023 and post mortem was conducted on 18.5.2023. The complainant moved application under Section 156 (3) CrPC on 22.5.2023 making allegation that there is dispute between the son of the applicant and his wife. Wife of deceased, Smt. Ram Mukhi had called her family members who went to her house and his son was scolded. He further mentioned in the FIR that due to aforesaid reason, his son committed suicide in the night of 17/18.5.2023.
4. It has been submitted by the learned counsel for the applicant that admittedly, there is dispute between the co-accused Ram Mukhi and deceased and the case under Section 498-A, 323 IPC has been instituted by her against husband (deceased). It has been submitted that the dispute and problem is between the wife and husband and the applicant being brother was called on the date of occurrence by his sister and there was some hot discussions between the applicant including other co-accused with the deceased because the deceased used to harass his sister. It has been submitted that there is no active act on the part of the applicant and there is no ingredients of Section 107 IPC seen in the present case. He has further submitted that even if the version of FIR is taken on the face value, it is natural for a brother to go to the house of his sister on her call if there is some problem between his sister and her husband (deceased). It is submitted that there is no direct or indirect evidence found against the applicant which may indicate that he was involved

in commission of crime. He has further submitted that the deceased committed suicide because there is no internal or external injury on the body of the deceased. He has submitted that the applicant has no criminal history and he is in Jail since 12.9.2023.

5. Learned AGA has opposed the bail and submitted that version of FIR indicates that the instigation has been done on the part of the applicant that is why, the deceased committed suicide.

6. Considering over all facts and circumstances of the case, the argument that there is no direct or indirect evidence found against the applicant, the argument that there is no internal or external injury on the body of the deceased, the argument that there is no ingredient of Section 107 IPC which may indicate that the applicant was involved in commission of crime, I find it to be a fit case for bail.

7. Let the applicant, Mani Ram be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of

liberty of bail and proceed against him in accordance with law.

8. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 18.12.2023
Rajneesh JR-PS)