

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14831 of 2023

Applicant :- Suraj @ Kamlesh

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

Counsel for Applicant :- Dharm Trivedi, Suchendra Kumar Sharma

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 upto date case diary of the case and charge sheet in this case has also been filed.
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- **Suraj @ Kamlesh** for grant of bail, in Case Crime No.1465 of 2022, under Sections 498-A, 306, 506 I.P.C. and 3/4 of the Dowry Prohibition Act, Police Station Kotwali Sadar, District Kheri, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.
5. It is further submitted that the applicant is the husband of the deceased, who appears to have committed suicide by hanging herself after seven years of her marriage with the applicant, however, in these seven long years, the deceased had never made any complaint to any public authority with regard to any demand of dowry or commission of cruelty by the applicant and thus the allegations have been carved out after demise of the deceased by his brother with the help of a legal professional.
6. It is further submitted that the applicant used to work as labour in Lucknow and the deceased used to insist to reside with him in Lucknow itself and it appears that when her demand was not fulfilled, she committed suicide, however, the applicant at the relevant point of time was not present at home and the information of the death of the deceased was given to

the local police by his father namely Om Prakash.

7. It is further submitted that allegations as emerging in the F.I.R. have been craved out with the help of a legal professional as the F.I.R. has been lodged by moving an application under Section 156(3) Cr.P.C., however, the delay, which has resulted in moving the application under Section 156(3) Cr.P.C., has not been properly explained and the same suggest that the allegations have been falsely cooked up against the applicant.

8. It is also submitted that having regard to the financial status of the parties, demand of Rs.25,000/- allegedly made by the applicant may not be deemed truthful. It is next submitted that applicant is in jail in this case since 04.03.2023 and he is not having any criminal history, charge-sheet in this case has already been submitted and there is no apprehension that after being released on bail the applicant may flee from the course of law or may otherwise misuse the liberty.

9. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and having regard to the material/evidence available against the applicant, he is not entitled to be released on bail, but could not controvert the other factual submissions made by learned counsel for the applicant.

10. Having heard learned counsel for the parties and having perused the record, it is evident that the deceased appears to have committed suicide after seven years of her marriage with the applicant. The postmortem report of the deceased would reveal that apart from an abraded contusion found on the left side of chin, no other injury or any abnormality has been noticed by the Doctor at the time of postmortem of the deceased, however, the cause of death has been ascertained due to asphyxia as a result of ante mortem hanging. The allegation of demand of Rs.25,000/- has been alleged against the applicant. It appears to be an admitted situation that the deceased was living with the applicant for the last more than seven years and nothing has been placed on record, which may suggest that in these long seven years, any complaint pertaining to the demand of Rs.25,000/- has ever been made by the deceased or on her behalf by any of her family members to any public authority. Charge-sheet in this case has already been filed. Applicant is in jail in this case since 04.03.2023 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

11. Having regard to the overall facts and circumstances of the

case and 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- **Suraj @ Kamlesh** 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 of this Court on the merits of the case.

Order Date :- 20.12.2023

Anupam S/-