

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15224 of 2023

Applicant :- Ram Lakhan Shukla

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

Counsel for Applicant :- Bhagwati Prasad Nigam, Anurag Shukla

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.
2. Heard Shri Bhagwati Prasad Nigam, 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- **Ram Lakhan Shukla** for grant of bail, in Case Crime No.313/2023, under Sections 498-A, 304-B I.P.C. and 3/4 of the Dowry Prohibition Act, Police Station Maigalganj, District Lakhimpur 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 father-in-law of the deceased, who appears to have committed suicide by hanging herself little after 4 years of her marriage with the son of the applicant, however, since the marriage of the deceased with the son of the applicant, they were living separately in the same house and applicant was not having any concern with their affairs. 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 committed suicide. It is highlighted by drawing the attention of this Court towards the inquest report that the dead body of the deceased has been found in her room in a hanging state and therefore the husband of the deceased would be in a better position to explain the circumstances under which the deceased has been done to death or has been committed suicide.

6. It is further submitted that general allegations of demand of Rs.5,00,000/- and committing cruelty in lieu thereof has been made against all the accused persons named in the F.I.R., however, no overt act or specific allegation has been levelled against the applicant and specially in presence of the husband of the deceased, the applicant could never be the beneficiary of the dowry, which was being allegedly demanded.

7. It is also submitted that identically placed co-accused person namely Bitan @ Sunita Shukla (mother-in-law of the deceased) has been granted bail by this Court, vide order dated 11.12.2023 passed in Criminal Misc. Bail Application No.14579 of 2023. Applicant is languishing in jail in this case since 19.09.2023 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. 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, therefore, he is not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is reflected that during the course of investigation the dead body of the deceased has been found inside the room, wherein she was residing. Postmortem report of the deceased would reveal a ligature mark along with two minor injuries in the nature of contusions, which have been found on her head and right side of the shoulder, however, the cause of death has been ascertained as 'asphyxia' as a result of ante-mortem hanging and in this background it is submitted that the deceased has committed suicide. The defence of the applicant also appears to be that since the marriage of son of the applicant with the deceased, applicant was living separately in the same house and in presence of the husband of the deceased, he may not be the beneficiary of the dowry, which was being allegedly demanded and since applicant was living separately, he may also not be fastened with any liability to explain the circumstances, under which the deceased had committed suicide as the same could only be explained by her husband, who was residing with her. The applicant is the father-in-law of the deceased and separate living has been claimed. Identically placed co-accused person namely Bitan @ Sunita Shukla (mother-in-law of the deceased) has been granted bail by this Court. Applicant is languishing in jail in this case since 19.09.2023 without any criminal antecedents and the presence of the applicant may be secured before the trial court by placing adequate conditions.

10. 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**.

11. Let the accused/applicant- **Ram Lakhan Shukla** 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.

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

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

14. 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 :- 21.12.2023

Anupam S/-