

Kuldeep vs State Of U.P. on 3 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29585

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7292 of 2025

Applicant :- Kuldeep

Opposite Party :- State of U.P.

Counsel for Applicant :- Aman Kumar Rai,Ashok Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Aman Kumar Rai, learned counsel for the applicant and Sri Kunwar Tejandra Bahadur, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 70 of 2024, under Sections 498A, 306, 120B IPC, Police Station Jagner, District Agra during pendency of the trial.
3. FIR of the present case was lodged on 23.06.2024 against applicant and two others and according to the FIR marriage of the applicant was solemnized with the daughter of the informant about 12-13 years before and after marriage applicant and his family members used to torture her and on 22.06.2024 they committed her murder.
4. Learned counsel for the applicant submits, on the basis of false allegation, applicant, who was although husband of the deceased, has been made accused in the present matter. He further submits, from the FIR and the statement of witnesses recorded during investigation it reflects, on

the basis of vague allegation of torture, applicant has been made accused in the present matter.

5. He next submits, initially FIR of the present case was lodged under Sections 302, 120B IPC but during investigation when it was revealed that actually it is a case of suicide then case was converted under Section 306 IPC. It is next submitted, there is no cogent evidence of abetment against the applicant on record.

6. He further submits, actually the ornaments of the deceased has been kept by her father i.e. informant and due to this reason dispute arose between father and daughter and only due to this reason she committed suicide by hanging herself and after her death on the basis of false and vague allegation, FIR of the present case was lodged.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 25.06.2024 i.e. for last more than eight months.

8. Per contra, learned AGA opposed the prayer for bail and submitted applicant is husband of the deceased but could not dispute the argument on facts advanced by learned counsel for the applicant that except the bald and verbal allegation of torture there is no cogent evidence in this regard against the applicant on record.

9. He further could not dispute the fact that deceased died due to hanging and in the present matter applicant is in jail since 25.06.2024 i.e. for last more than eight months.

10. I have heard learned counsel for the parties and perused the record of the case.

11. Applicant is husband of the deceased and his wife died in her matrimonial home and it also reflects, initially FIR of the present case was lodged under Section 302 IPC but during investigation when it was revealed that actually deceased committed suicide then case was converted under Section 306 IPC.

12. However, record suggests that as per allegation due to the torture of the applicant and his family members his wife i.e. deceased committed suicide but from the entire record it could not be reflected, what was the reason of the torture and considering this fact, the argument advanced by learned counsel for the applicant that on the basis of vague allegation of torture applicant has been made accused in the present matter and there is no cogent evidence of abetment against the applicant on record, cannot be ruled out at this stage.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 25.06.2024 i.e. for last more than eight months.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

16. Let the applicant - Kuldeep be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 3.3.2025 AK Pandey