

# Ravi Pratap Shukla vs State Of U.P. on 30 April, 2025

**Author: Siddharth**

**Bench: Siddharth**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:67961

Court No. - 47

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17186 of 2024

Applicant :- Ravi Pratap Shukla

Opposite Party :- State of U.P.

Counsel for Applicant :- Bishram Tiwari,Dheeraj Singh (Bohra)

Counsel for Opposite Party :- Amrita Kashyap,G.A.,Sunil Kumar

Hon'ble Siddharth,J.

List has been revised.

Heard Sri Nishant Tiwari, Advocate, holding brie of Sri Dheeraj Singh, learned counsel for the applicant; Ms. Amrita Kashyap, learned counsel for informant as well as the learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Ravi Pratap Shukla, with a prayer to release him on bail in Case Crime No. 126 of 2023, under Sections- 314, 498-A, 302 of IPC and 3/4 of D.P. Act, Police Station- Ravindra Nagar, District- Kushinagar, during pendency of trial.

There is allegation in the F.I.R., that the sister of the informant was married to the applicant in the year 2014. Since the time of her marriage the applicant and other co-accused were demanding four wheeler car and subjecting her to cruelty. The applicant had also filed a divorce case in the year 2016 against sister of informant and his sister was ousted from her matrimonial home in the year 2016 itself. His sister has also filed a case claiming maintenance against the applicant. Despite pendency of the aforesaid cases, took his sister to the house of applicant on the pretext of compromise. About ten days ago when he went to meet his sister, she informed that the applicant and co-accused are harassing her and treating her with cruelty. On 28.06.2023 the informant came to know that his sister has been done to death by the applicant and other co-accused.

Learned counsel for the applicant has submitted that the deceased was suffering from tuberculosis and was being treated at Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow. No external injuries were found on her body by the doctor at the time of post mortem. The cause of death of the deceased was not ascertained and her viscera was preserved. Learned counsel for the applicant has placed before this Court the prescriptions of treatment of the deceased for tuberculosis since the year 2014. He has submitted that on 25.12.2020, the family members of her parental home dropped the deceased at the house of applicant alongwith her child. Thereafter, she was being treated by the applicant and his family members. She was also pregnant at the time of her death. On account of aforesaid illness, the deceased died and the applicant and his entire family members have been falsely implicated in this case. It has come in the statement of the independent witnesses that blood vomiting by the deceased was seen by them. He has no criminal history to his credit and is languishing in jail since 30.12.2023. The trial in the aforesaid case is not likely to be concluded in near future.

Learned A.G.A., and learned counsel for informant have vehemently opposed the prayer for bail of the applicant and have submitted that since the deceased died in the house of the applicant, therefore, burden of proof is on him to explain how the death of the deceased took place. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

After hearing the rival submissions, this Court finds that number of medical prescriptions of treatment of the victim for tuberculosis have been brought on record in the bail application and also in the supplementary-affidavit dated 08.04.2024 on record. The genuineness of the medical prescriptions have not been denied by the informant. It has been asserted in the counter-affidavit that the aforesaid prescriptions were managed from the doctor/hospital. There is no evidence brought on record to prove that the hospital/doctor concerned have denied that they have not issued such prescriptions.

Having considered the submissions of the parties noted above, finding force in the submissions made by the learned counsel for the applicant, keeping in view the uncertainty regarding conclusion of trial; one sided investigation by police, ignoring the case of accused side; applicant being under-trial having fundamental right to speedy trial; larger mandate of the Article 21 of the Constitution of India, considering the paragraph no.53 of Apex Court in the case of Manish Sisodia Vs. Directorate of Enforcement 2024, (SC) LawSuit 677 and considering 5-6 times overcrowding in

jails over and above their capacity by under trials and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) 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.
- (iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.
- (iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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.
- (v) 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.

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

Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 30.4.2025 Abhishek