

Ravipal vs State Of U.P. on 1 May, 2025

Author: Samit Gopal

Bench: Samit Gopal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68459

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39543 of 2024

Applicant :- Ravipal

Opposite Party :- State of U.P.

Counsel for Applicant :- Ranjeet Pal,Santosh Kumar Mishra

Counsel for Opposite Party :- Ashvni Mishra,G.A.,Shubhendu Mishra

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard SriSantosh Kumar Mishra, learned counsel for the applicant, SriAshvni Mishra, learned counsel for the first informant and SriAjay Singh, learned A.G.A.-I for the State and perused the material on records.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Ravipal, seeking enlargement on bail during trial in connection with Case Crime No. 225 of 2024, under Sections 498-A, 304-B, 323 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Dadri, District Gautam Budh Nagar.

4. The first information report of the present matter was lodged on 16.05.2024 by Punit Kumar against the applicant, father-in-law and mother-in-law and two devars of the deceased alleging therein that the marriage of his sister Rekha Kumari was solemnized with the applicant after which she used to be assaulted daily by the applicant under intoxication. The other accused persons also used to physically assault her. On 16.05.2024 at about 12 pm a boy named Manoj who is the cousin of the applicant called him and told him that Rekha has committed suicide by hanging at 10 pm. The information was given at 12 pm. A report be lodged and action be taken.

5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present case. It is submitted that the first information report does not state of any demand of dowry and/or torture & harassment of the deceased for dowry. It is submitted that the deceased committed suicide which is suggestive from the postmortem examination report, wherein, the deceased has received a single ligature mark on her body and the cause of death has been opined as asphyxia as a result of antemortem hanging. It is submitted that except for the ligature mark the doctor did not find any other bodily injury on her person. While placing paragraph 21 & 23 along with Annexure-7 of the affidavit it is submitted that the marriage of the applicant was solemnized with the deceased in the year 2020 but they had no issues from it after which she was under regular treatment from 20.02.2022. There was a complaint that she wanted to conceive but they were not successful due to which she was under depression and committed suicide. It is submitted that co-accused Beervati the mother-in-law and Satpal the father-in-law of the deceased have been granted bail by a co-ordinate Bench of this Court vide orders dated 07.08.2024 and 27.08.2024 passed in Criminal Misc. Bail Application Nos. 29314 of 2024 and 31169 of 2024, the copy of the said orders are annexed as Annexure-8 to the affidavit. The applicant has no criminal history as stated in para 29 of the affidavit and is in jail since 17.05.2024.

6. Per contra, learned counsel for the first informant and learned counsel for the State vehemently opposed the prayer for bail and submitted that during investigation in the statement of the first informant he has stated that there was a demand of a car by the applicant from the deceased which was the reason for her torture and harassment. The applicant is the husband of the deceased. It is submitted that the prayer for bail be rejected.

7. After having heard learned counsel for the parties and perusing the record, it is evident that the applicant was married to the deceased in the year 2020. The deceased could not conceive and was under treatment from 20.02.2022 for it but was still unsuccessful. Co-accused Beervati the mother-in-law and Satpal the father-in-law of the deceased have been granted bail.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

9. Let the applicant- Ravipal, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. 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., may be issued and if 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 I.P.C.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) 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 and the trial court may proceed against him under Section 229-A IPC.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

11. The bail application is allowed.

12. Pending application (s), if any, shall stand disposed of.

Order Date :- 1.5.2025 AS Rathore (Samit Gopal,J.)