

# Rajesh Kumar vs State Of U.P. on 28 February, 2025

**Author: Shekhar Kumar Yadav**

**Bench: Shekhar Kumar Yadav**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:28153

Court No. - 35

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 30690 of 2024

Applicant :- Rajesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishek Kumar Saroj, Nagendra Bahadur Singh, Puja Singh, Tej Baha

Counsel for Opposite Party :- G.A., Shri Prakash Dwivedi

Hon'ble Shekhar Kumar Yadav, J.

1. Heard Sri Nagendra Bahadur Singh, learned counsel for the applicant Sri Shri Prakash Dwivedi, learned counsel for the informant and learned A.G.A. for the State as well as perused the material available on record.

2. The present bail application has been filed by the applicant in Case Crime No.0024 of 2024, under Sections 498A, 304B IPC and 3/4 Dowry Prohibition Act, Police Station Chilha, District Mirzapur with the prayer to enlarge the applicant on bail.

3. As per prosecution story, the informant lodged the impugned FIR on 05.02.2024 against the applicant and his family members stating therein that on 03.06.2022, he had married his younger sister Sangeeta to Rajesh Saroj (applicant) son of Raj Kumar by giving gifts according to his status.

After marriage, his sister was being physically and mentally tortured for demanding two lakh rupees in cash and a gold chain and dowry was demanded from the applicant. It is alleged that when the informant was unable to fulfill additional demand, the applicant- Rajesh (husband), Rajkumar Saroj (father-in-law) and Geeta Devi (mother-in-law) used to physically and mentally torture his sister for the same demand and on 05.02.2024, at around 03.00 am, the applicant along with his family members beaten up and killed his sister Sangeeta (deceased).

4. The contention as raised at the Bar by learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the present case. The applicant is husband of the deceased. The applicant has not committed any offence as alleged in the impugned FIR. The applicant has never demanded any dowry and there is no cruelty against the deceased. Learned counsel for the applicant further submits that the applicant was doing labour work at Mumbai and time to time sent money to maintain his family members and at the time of incident, the applicant came at home and when he was preparing for going to Mumbai, the deceased pressurized him for going Mumbai with him but due to financial crises, the applicant was not in position to keep him family in Mumbai and on this point, the deceased became annoyed and committed suicide by jumping in well. Learned counsel for the applicant submits that the applicant and his family members along with villagers, best tired to save the deceased. There is no suicide note as well as there is no eye witness of the alleged incident. As per post-mortem report, cause of death due to asphyxia as a result of drowning. He further submits that as per post-mortem report, the victim was having pregnancy of two months. Learned counsel for the applicant further submits that as per FIR as well as statement of the witnesses, general role has been assigned and there is no specific allegation against the applicant. He further submits that till date, only one witness has been examined before the trial Court, therefore, there is no possibility of conclusion of trial in near future.

5. Learned counsel for the applicant further submits that co-accused, namely, Geeta Saroj, who is mother-in-law of the deceased, has already been enlarged on bail by this Court vide order dated 29.7.2024 passed in Criminal Misc. Bail Application No.20190 of 2024, copy of the bail order has been annexed as Annexure No.10 to the affidavit and other co-accused, namely, Raj Kumar Saroj, who is father-in-law of the deceased, has already been granted anticipatory bail by this Court vide order dated 26.04.2024 passed in Criminal Misc Anticipatory Bail Application No.314 of 2024, copy of the bail order has been annexed as Annexure No.8 to the affidavit. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. Lastly, it is argued that the applicant is languishing in jail since 7.2.2024 having no previous criminal history.

6. Per contra, learned counsel for the informant as well as learned A.G.A. have vehemently opposed the prayer for bail.

7. Considering the overall facts and circumstances, the nature of allegations, the gravity of offence, the severity of the punishment, the evidence appearing against the accused, submission of learned

counsel for the parties, but without expressing any opinion on merits, this Court finds it to be a fit case for bail.

8. Let the applicant- Rajesh Kumar, involved in the aforesaid case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:

(i) 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.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC.

(iii) 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 IPC.

(iv) 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.

(v) The Trial Court may make all possible efforts/endeavour and try to conclude the trial within a period of one year after the release of the applicant.

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

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

11. With the above observation/direction, the instant bail application is allowed.

Order Date :- 28.2.2025 Krishna\*