

Vinod Kumar Alias Banta vs State Of U.P. on 2 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:138

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46881 of 2024

Applicant :- Vinod Kumar Alias Banta

Opposite Party :- State of U.P.

Counsel for Applicant :- Pradeep Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Sri Rahul Mehrotra, learned Advocate filed his power on behalf of the informant, today in the Court, which is taken on record.
2. Heard Sri Pradeep Chauhan, learned counsel for the applicant, Sri Rahul Mehrotra, learned counsel for the informant and Sri Imran Khan, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 296 of 2024, under Sections 498A, 304B, 328 IPC and Section 3/4 D.P. Act, Police Station Kotwali Sikandrara, District Hathras during pendency of the trial.
4. FIR of the present case was lodged against applicant and his parents and according to the FIR marriage of the applicant was solemnized with the sister of the informant on 11.02.2020 and after marriage applicant and his parents tortured her for additional demand of Rs. 3 lakhs and on 23.04.2024 informant received an information that the condition of his sister is serious and when he arrived at her matrimonial home then found that his sister has died.

5. Learned counsel for the applicant submitted that applicant is husband of the deceased and only being husband, he has been made accused in the present matter along with his parents on the basis of false allegation of demand of dowry and torture.

6. He further submits, since marriage deceased was suffering with Kidney ailment and she was under continuous medical treatment and this fact is evident from her medical report, which has been annexed along with instant bail application.

7. He further submits, even after four years of her marriage she could not conceive, therefore, due to this reason coupled with Kidney ailment she was under depression and in depression she consumed insecticide and died.

8. He further submits, during post mortem the cause of death of the deceased could not be ascertained and her viscera was preserved and now viscera report is on record, which has been annexed along with instant bail application and according to it, deceased died due to consumption of Aluminum Phosphide, therefore, it cannot be said it is a case of homicidal death rather it appears to be a case of suicidal death.

9. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 28.06.2024.

10. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is husband of the deceased and his wife died within five years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but could not dispute the fact that from the medical report of the deceased, it appears she was suffering with Kidney ailment. They further could not dispute the fact that as per Viscera report deceased died due to consumption of Aluminum Phosphide.

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

12. However, applicant is husband of the deceased and his wife died within five years of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry but from the viscera report of the deceased it reflects she died due to consumption of Aluminum Phosphide, therefore, it cannot be said that it is not a case of suicidal death.

13. Further, considering the medical report of the deceased, which has been annexed along with instant bail application and the fact that even after four years of her marriage deceased could not conceive, the argument advanced by learned counsel for the applicant with regard to alleged suicide committed by the deceased cannot be ruled out.

14. Further, applicant is not having any criminal history and in the present matter he is in jail since 28.06.2024.

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

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

17. Let the applicant - Vinod Kumar @ Banta 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.

18. 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.

19. 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 :- 2.1.2025 AK Pandey