

Ravindra Alias Mangal Singh 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:68621

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12558 of 2025

Applicant :- Ravindra Alias Mangal Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Gaurav Kakkar,Raghvendra Prakash

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

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Gaurav Kakkar, learned counsel for the applicant, Sri Sharda Prasad Mishra holding brief of Sri Sunil Kumar Dwivedi, Sri V.D. Ojha, learned counsel for the State and perused the material on record.

3. This bail application under Section 483 of B.N.S.S., 2023 has been filed by the applicant-Ravindra Alias Mangal Singh, seeking enlargement on bail during trial in connection with Case Crime No.0105 of 2024, under Sections 498-A, 304-B IPC and Section 3/4 D.P. Act, Police Station Poonch, District Jhansi.

4. The FIR of the matter was lodged on 7.5.2024 by Balvir Singh Yadav against the applicant, Smt. Janki Devi, Surendra and Mastram alleging therein that his daughter Poonam was married to the applicant Ravindra on 22.5.2022 in which he had given dowry as per his status and sent his daughter. His daughter was kept well for some time after which the accused persons started troubling her for additional dowry and there was a demand of Rs.1 lakh and a motorcycle on which his daughter told them that apart from her, she has other sisters and her parents have to marry them also but the accused persons continued to raise their demand and used to torture her regularly. On Holi festival he brought his daughter to his house after which on saying of Mastram, the father-in-law and other relatives, he sent his daughter on 30.4.2024 who was four months pregnant with Surendra (devar) who then on Airach bridge on Betawa river entered into a dispute with her and threw her from it due to which his daughter Poonam and the child in her womb died. His son-in-law Ravindra, Surendra, Mastram and Janki Devi used to torture her for additional dowry and have murdered her. After cremation he has come to lodge the report. 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 has been falsely implicated in the present case. It is argued that on 30.4.2024 Anil Kumar informed the police that a lady has jumped from Airach Bridge on Betawal river and has died on which the PRV was informed. The police was sent for panchayat and other formalities. It is further argued that the deceased as per the postmortem report was found to have received a contusion on her right thigh and the cause of death was opined asphyxia due to drowning. The inquest on the body of the deceased was conducted on the information of Anil Kumar given to the police at the Mortuary House, Medical College, Jhansi. So far as applicant is concerned, he was not present at the place of occurrence and the deceased was being brought back to the house by Surendra, the brother of the applicant. It is further argued that the FIR has been lodged after an unexplained delay of 7 days inasmuch as the incident in the present case is of 30.4.2024 whereas the FIR has been lodged on 7.5.2024. It is further argued that the investigation in the matter has concluded and charge sheet has been submitted by the police against the applicant, Smt. Janki, Surendra and Mastram. While placing annexure no.1 to the supplementary affidavit dated 25.4.2025, it is submitted that vide order dated 4.9.2024, the file of the present matter has been submitted in the court of Sessions after committal. The investigation in the matter has concluded as such there are no chances of the applicant tempering with the evidence. It is further submitted that charge under Section 498-A, 304-B (alternative charge under Section 302 IPC) IPC and Section 3/4 D.P. Act have been framed against the applicant and three other co-accused persons vide order dated 22.3.2025. It is submitted that the case of the applicant is distinguishable with that of co-accused Surendra with whom the deceased was coming and the present incident occurred on the Airach Bridge on Betawa river. Co-accused Smt. Janke @ Janki Devi (mother-in-law) and Mastram (father-in-law) have been granted bail by a coordinate Bench of this Court vide orders dated 10.1.2025 and 23.1.2025 passed in Criminal Misc. Bail Application Nos.28868 of 2024 and 33561 of 2024, copies of the said orders are annexed as Annexure No.9 to the affidavit filed in support of bail application. It has also been pointed out that the applicant is not having any criminal history as stated in para 32 of the affidavit. The applicant is in jail since 16.5.2024.

6. Per contra learned counsel for the first informant and learned counsel for the State opposed the prayer for bail and argued that the applicant is the husband of the deceased. The deceased died an unnatural death. The applicant in para no.21 of the bail application has himself stated that he was having strained relationship with his wife. The applicant is named in the FIR and there are allegations against him. The deceased was having pregnancy and while returning from her maternal house, she was thrown from the bridge into Betawa river and she died, as such the prayer for bail be rejected.

7. After hearing the counsel for the parties and perusing the record, it is evident that the deceased was found to have died due to asphyxia due to drowning. Although there is a contusion on right thigh but the same does not contribute to her death. The applicant is although husband of the deceased but specific case is that the deceased was being brought from her maternal house by co-accused Surendra and on the way she was thrown from the bridge into Betawa river. The FIR does not state of the applicant being present at the place of occurrence. Co-accused Smt. Janki Devi and Mastram have been granted bail. The case of the applicant is distinguishable with that of co-accused Surendra with whom the deceased was coming. General and omnibus allegations have been levelled against the applicant.

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-Ravindra @ Mangal Singh, 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.

(Samit Gopal, J.) Order Date :- 1.5.2025 Gaurav Kuls