

Ram Nihal vs State Of U.P. Thru. The Prin. Secy. ... on 21 January, 2025

Author: Rajesh Singh Chauhan

Bench: Rajesh Singh Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:4327

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11215 of 2024

Applicant :- Ram Nihal

Opposite Party :- State Of U.P. Thru. The Prin. Secy. Deptt. Of Home Lko

Counsel for Applicant :- Rama Niwas Pathak, Narsingh Yadav, Pragati Tiwari, Prashant Dubey,

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan, J.

1. Case is called out.
2. The case was mentioned in the morning but the learned counsel for the applicant is not present. Learned A.G.A. for the State is present.
3. Learned A.G.A. has filed counter affidavit. The same is taken on record.
4. The present applicant is in jail since 09.08.2024 in Case Crime No. 414 of 2024, under Sections 80, 85, 115(2), 352, 351(2) of Bhartiya Nyaya Sanhita (in short "B.N.S.") and Section 3/4 of Dowry

Prohibition Act, Police Station- Kotwali Ayodhya, District- Faizabad/ Ayodhya.

5. Learned counsel for the applicant has submitted that the present applicant, who is father-in-law of the victim (since deceased), has been falsely implicated in the case as he has not committed any offence as alleged. Even as per the FIR, no specific allegation has been levelled against the present applicant, rather general allegation has been levelled regarding demand of dowry. It has been further submitted that the present applicant had nothing to do with the family affairs of his son. His relations with his daughter-in-law were cordial and he never demanded any dowry from her or her family members. Learned counsel for the applicant has further submitted that cause of death is hanging. As per post-mortem report, there is one ligature mark around the neck area and two other minor injuries on the body of the deceased. There is no previous criminal history of any kind whatsoever against the present applicant.

6. Learned counsel has further stated that the applicant undertakes that he shall cooperate in the trial proceedings and shall not misuse the liberty of bail. Further, the applicant shall abide by all terms and conditions of the bail order, the applicant may be enlarged on bail.

7. Learned A.G.A. has, however, opposed the prayer for bail but he could not dispute the aforesaid submissions of learned counsel for the applicant.

8. Without entering into merits of the issue, considering the arguments of learned counsel for the parties; contents and allegations of the FIR and the fact that the present applicant is father-in-law of the deceased, no specific allegation has been levelled against him; cause of death is hanging; as per post-mortem report, there is one ligature mark around the neck area, which might be caused due to hanging and two other minor injuries and undertaking of the applicant that he shall cooperate in the trial proceedings and shall not misuse the liberty of bail, I find it appropriate to release the applicant on bail.

9. Accordingly, the bail application is allowed.

10. Let the applicant- Ram Nihal be released on bail in the aforesaid case crime number 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:-

(i) 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.

(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 of the Indian Penal Code.

(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. is issued and the 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 of the Indian Penal Code.

(iv) 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.

(v) The applicant shall not leave India without previous permission of the court.

(Rajesh Singh Chauhan,J.) Order Date :- 21.1.2025 (Manoj K.)