

Suraj vs State Of U.P. Thru. Prin. Secy. Home Lko. on 20 February, 2025

Author: Rajesh Singh Chauhan

Bench: Rajesh Singh Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:11434

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1497 of 2025

Applicant :- Suraj

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

Counsel for Applicant :- Satyendra Prakash Singh,Raghvendra P. Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Shri Satyendra Prakash Singh, learned counsel for the applicant and learned A.G.A. for the State.
2. As per learned counsel for the applicant, the present applicant is in jail since 30.11.2024 in Case Crime No. 360 of 2024, under Sections 80, 85(2) of Bhartiya Nyaya Sanhita (in short "B.N.S.") and Section 3, 4 of Dowry Prohibition Act, Police Station- Baskhari, District- Ambedkar Nagar.
3. Learned counsel for the applicant has submitted that the present applicant, who is brother-in-law (dewar) of the victim (since deceased), has been falsely implicated in the case as he has not

committed any offence as alleged. Attention has been drawn to the impugned FIR wherein, the allegation of torturing and demanding dowry has been levelled against three family members including the present applicant. Similar allegation has been levelled against his brother Dheeraj but charge sheet has not been filed against him as the charge sheet has only been filed against the present applicant and his elder brother who is the husband of the deceased. So as to implicate the entire family, the allegation has been levelled against the present applicant.

4. Attention has also been drawn towards Annexure No. 4 which is the statement of one independent witness namely Smt. Kaushalya who has stated that the victim (since deceased) had committed suicide as her dead body was recovered after breaking the door of the room which was locked from inside. When the door was broken, the victim was found hanging in her own saari. Smt. Kaushalya also stated that the applicant had nothing to do with the family affairs of his brother and his wife (deceased). His relations with the victim (since deceased) were cordial. Learned counsel for the applicant has further submitted that cause of death is strangulation but after perusing the statement of the independent witness Smt. Kaushalya which creates doubt on such cause, however, the aforesaid fact may be ascertained during the course of trial. There is no previous criminal history of any kind whatsoever against the present applicant.

5. 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.

6. 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.

7. 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 the present applicant is the brother-in-law (dewar) of the victim (since deceased); similar allegation has been levelled against his brother Dheeraj but charge sheet has not been filed against him as the charge sheet has only been filed against the present applicant and his elder brother who is the husband of the deceased; one independent witness namely Smt. Kaushalya has stated that the victim (since deceased) had committed suicide as her dead body was recovered after breaking the door of the room which was locked from inside; when the door was broken, the victim was found hanging in her own saari; the applicant had nothing to do with the family affairs of his brother and his wife (deceased); his relations with the victim (since deceased) were cordial; cause of death is strangulation but the statement of the independent witness Smt. Kaushalya creates doubt on such cause, however, the aforesaid fact may be ascertained during the course of trial; there is no previous criminal history of any kind whatsoever against the present applicant.

8. 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.

9. 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.

10. Accordingly, the bail application is allowed.

11. Let the applicant- Suraj 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 :- 20.2.2025 (Manoj K.)