

Dileep Kumar Mishra 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-LK0:11435

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1502 of 2025

Applicant :- Dileep Kumar Mishra

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

Counsel for Applicant :- Shobh Nath Pandey

Counsel for Opposite Party :- G.A.,Aditya Mishra,Ratnesh Tripathi

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Shri Shobh Nath Pandey, learned counsel for the applicant, Shri Nikhil Singh, learned A.G.A.-I for the State and Shri Aditya Mishra, advocate, who has filed vakalatnama on behalf of the informant/ complainant, which is taken on record.

2. As per learned counsel for the applicant, the present applicant is in jail since 27.12.2024 in Case Crime No. 391 of 2024, under Sections 80, 85(2) of Bhartiya Nyaya Sanhita (in short 'BNS') and Section 3, 4 of Dowry Prohibition Act, Police Station- Ahirauli, District- Ambedkar Nagar.

3. Learned counsel for the applicant has submitted that the present applicant has been falsely implicated in the case as he has not committed any offence as alleged. Attention has been drawn towards the impugned FIR wherein, the allegation of torturing and demanding dowry has been levelled against the entire family including the present applicant. Victim's father-in-law, mother-in-law, Shivangi (nanad) and Shivani (nanad), the present applicant and his son Deepak Kumar Mishra, who is the husband of the victim (since deceased), are in judicial custody. It is stated that the victim/ deceased has consumed poison. Cause of death of the victim could not be ascertained, therefore, viscera was preserved. On the date of the incident, the present applicant was not present in the house as he was at Delhi and came to Ayodhya by flight on 24.09.2024. Though, the date of incident is 23.09.2024. The relation of the present applicant with his daughter-in-law was cordial. He never demanded any dowry from his daughter-in-law and his family members. It is stated that there might have been some dispute between his son Deepak Kumar Mishra, husband of the deceased but the applicant is not aware about that dispute. Learned counsel for the applicant has further stated that considering the allegation of the FIR, victim's mother-in-law, and two sisters-in-law (nanad) have not been arrested as of today. The investigation is going on. The applicant has no prior criminal history of any kind whatsoever.

4. The applicant undertakes that he shall co-operate in the investigation and shall not misuse the liberty of bail, if granted by this Court. Further, the applicant shall abide by all terms and conditions of the bail order, the applicant may be enlarged on bail.

5. Per contra, learned A.G.A. as well as learned counsel for the informant has opposed the prayer for bail by submitting that the victim committed suicide within three years of her marriage, therefore, the entire family is responsible for such suicide.

6. Therefore, without entering into merits of the issue, considering the arguments of learned counsel for the parties; contents and allegations of the FIR wherein it is alleged that the victim (since deceased) had consumed poison but cause of her death could not be ascertained, therefore, viscera was preserved; on the date of the incident i.e. on 23.09.2024, the present applicant was not present in the house as on that date he was at Delhi and he came to Ayodhya by flight on 24.09.2024; the relations of the present applicant with his daughter-in-law were cordial, he never demanded any dowry from his daughter-in-law and his family members; applicant was not aware about any dispute between his son and his daughter-in-law; the investigation is going on; and the undertaking of the applicant undertakes that he shall co-operate in the investigation and shall not misuse the liberty of bail, besides, he shall abide by all terms and conditions of the bail order, I find it appropriate to release the applicant on bail.

7. Accordingly, the bail application is allowed.

8. 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.)