

# **Premlal Pasi vs State Of U.P. Thru. Prin. Secy. Home Lko. on 23 January, 2025**

**Author: Rajesh Singh Chauhan**

**Bench: Rajesh Singh Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:4793

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 594 of 2025

Applicant :- Premlal Pasi

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

Counsel for Applicant :- Ashutosh Kumar Shukla, Shreshth Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Ashutosh Kumar Shukla and Sri Shreshtha Srivastava, learned counsels for the applicant and Sri Diwakar Singh, learned Additional Government Advocate for the State.

2. As per learned counsel for the applicant, the present applicant is languishing in jail since 28.09.2024 in Case Crime No.0399 of 2024 under Sections 85 & 80 (2) of Bhartiya Nyaya Sanhita (henceforth referred to as the "B.N.S.") & Section 3/4 Dowry Prohibition Act, Police Station-Salon, District -Raebareli. It has been submitted that the applicant has been falsely implicated in this case as he has not committed any offence as alleged.

3. Attention has been drawn towards the impugned First Information Report (in short F.I.R.) wherein general allegations have been levelled against all accused persons including the present applicant. The present applicant is father-in-law of the victim (since deceased). No specific role has been attributed to him. The relation of the present applicant with his daughter-in-law (since deceased) was cordial and he has never demanded any dowry from his daughter-in-law or her family members. The F.I.R. has been lodged having ulterior motive and extraneous design in the mind of the complainant. The cause of death is strangulation, but as per post-mortem report, the Trachea Hyoid Bone is intact and in case of strangulation such Hyoid Bone should be fractured or ruptured, therefore, this is a case of hanging. There is no other injuries except ligature marks around the neck area which might be caused on account of hanging. The charge-sheet has been filed in this case. The present applicant is having no prior criminal history of any kind whatsoever. He has undertaken on behalf of present applicant that he shall not misuse the liberty of bail and shall cooperate with the trial proceedings properly and shall abide by all terms and conditions of bail, if granted.

4. Learned counsel for the applicant has further stated that the co-accused namely Rajkali Pasi has already been granted bail by this Court vide order dated 16.01.2025 passed in Criminal Misc. Bail Application No. 373 of 2025. He has submitted that the present applicant is also entitled for bail on the ground of parity.

5. On the other hand, learned Additional Government Advocate has opposed the prayer for bail of the present applicant by submitting that since the role of the present applicant was found in the commission of crime, therefore, he is not entitled for grant of bail, but he could not dispute the aforesaid factual contention of learned counsel for the applicant.

6. Without entering into merits of the case and considering the arguments of learned counsel for the parties, contents and allegations of the F.I.R., the fact that no specific role has been assigned to the present applicant, only general allegations have been levelled against all the accused persons, he has never demanded any dowry from the victim (since deceased) or her family members, the cause of death is strangulation, but as per post-mortem report, the Trachea Hyoid Bone is intact and in case of strangulation such Hyoid Bone should be fractured or ruptured, there is no other injuries except ligature marks around the neck area which might be caused on account of hanging, there is no prior criminal history of the present applicant, the charge-sheet has been filed and the undertaking given on behalf of the applicant that he shall not misuse the liberty of bail and shall cooperate in the trial proceedings properly, I am of the opinion that the present applicant may be released on bail in this case.

7. Accordingly, the instant bail application is allowed.

8. Let the applicant- Premal Pasi 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 :- 23.1.2025 (Manoj K.)