

Ashutosh Jaiswal vs State Of U.P. on 7 June, 2022

Author: Ajay Bhanot

Bench: Ajay Bhanot

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 43

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8302 of 2022

Applicant :- Ashutosh Jaiswal

Opposite Party :- State of U.P.

Counsel for Applicant :- Gyanendra Prasad Mahant

Counsel for Opposite Party :- G.A.,Avinash Jaiswal,Vishal Jaiswal

Hon'ble Ajay Bhanot,J.

This bail application was put up before this Court in compliance of the orders dated 11.05.2022 passed by a coordinate Bench.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 259 of 2021 at Police Station Kotwali, District Ghazipur, under Sections 306, 498-A IPC. The applicant is in jail since 08.06.2021.

The bail application of the applicant was rejected by learned Additional District & Sessions Judge, FTC (Protection of Women from Domestic Violence), Ghazipur, on 11.02.2022.

Sri Kamal Krishna, learned Senior Counsel assisted by Sri Shashi Bhushan Kunwar, learned counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The criminal case arises out of matrimonial dispute. The applicant and victim were married for the past eight and a half years. They were blessed with two children. The applicant is bereaved by the loss of his wife. The applicant prays for peace of the departed soul. However for the purpose of the bail

application it is submitted that the deceased was an obstinate and a temperamental lady. She was prone to extreme reactions even over minor differences. The strained relationship between the applicant and his wife was not beyond recall. He was making all efforts to effect reconciliation. This Court in Habeas Corpus petition had directed the custody of the two children will be given to the father. The wife of the applicant went in acute depression which drove her to the extreme step of taking life. The applicant did not abet or instigate the suicide. The chargesheet has been filed. The applicant has cooperated with the investigation. The applicant is no longer required in the investigations. Learned counsel for the applicant has explained the criminal history of the applicant and contends that the same has no bearing on the instant case.

Shri Rishi Chaddha, learned A.G.A for the State and Sri Vishal Jaiswal, learned counsel for the informant could not satisfactorily dispute the aforesaid submissions from the record. Learned AGA does not contest the criminal history of the applicant as disclosed in the bail application.

I find merit in the submissions of learned counsel for the applicant and accordingly held that the applicant is entitled for interim bail.

In the light of the preceding discussion and without making any observations on the merits of the case, the applicant is liable to be released on interim bail.

Let the applicant- Ashutosh Jaiswal be released on interim 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 below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not influence any witness.
- (iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 7.6.2022 Pravin