

Rakshpal vs State Of U.P. on 3 April, 2025

Author: Samit Gopal

Bench: Samit Gopal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:46575

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13478 of 2023

Applicant :- Rakshpal

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Raksha Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Shivam Kumar Pal, learned counsel for the applicant and Sri Ram Prakash Shukla, learned counsel for the State and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Rakshpal, seeking enlargement on bail during trial in connection with Case Crime No. 175 of 2021, under Sections 498-A, 304-B, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Pailani, District Banda.

4. At the very outset, learned counsel for the State submits that in compliance of the order dated 04.10.2024 as per his instructions 07 witnesses have been examined before the trial court and in all 10 witnesses are present.

5. The facts of the case are that a first information report was lodged on 05.12.2021 by Shrilal Pal against the applicant and Sushila alleging therein that his daughter Komal was married to the applicant on 29.05.2017 after which the accused persons started torturing & haraasing her. There was demand of a buffalo and motorcycle as dowry which he was unable to fulfill. His daughter was assaulted many times. She consumed poison on 03.12.2021 and died. She was taken to the hospital from where she was referred to a higher centre but she died. He was informed about the incident.

6. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present case. It is submitted that the deceased was leading a happy married life with the applicant as is evident from the fact that there was a child born from the wedlock. It is submitted that the deceased committed suicide by consuming poison. It is further submitted that the postmortem examination of the deceased does not state of any bodily injury and the doctor could not opine the cause of death and thus viscera was preserved in which Paraphenylenediamine was found. It is argued that co-accused Bewa Smt. Sushila has been granted bail by a co-ordinate Bench of this Court vide order dated 16.02.2023 passed in Criminal Misc. Bail Application No. 44832 of 2022, the copy of the said order is annexed as Annexure-7 to the affidavit. The applicant has no criminal history as stated in para 16 and is in jail since 13.07.2022.

7. Per contra, learned counsel for the State vehemently opposed the prayer for bail and argued that the applicant is the husband of the deceased. There is an allegation of demand of dowry by him and co-accused. It is submitted that the deceased was tortured & harrassed by the applicant and co-accused. It is submitted that the postmortem examination report shows that the deceased was having a gravid uterus and thus it is very unlikely for a lady to commit suicide at this stage. It is submitted that the bail application be thus rejected.

8. After having heard learned counsel for the parties and perusing the record, it is evident that the applicant is the husband of the deceased. The deceased died within seven years of marriage in her matrimonial house. The death is unnatural. There is an allegation of demand of dowry by the applicant. Co-accused who has been granted bail is the mother-in-law of the deceased and as such her case is distinguishable with that of the applicant. The deceased was found to have pregnancy as the uterus was found gravid. The trial is at an advanced stage. No ground for bail exists.

9. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is rejected.

10. Pending application (s), if any, shall stand disposed of.

Order Date :- 3.4.2025 AS Rathore (Samit Gopal,J.)