

# Ashish Singh vs State Of U.P. And Another on 23 May, 2025

**Author: Samit Gopal**

**Bench: Samit Gopal**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:88203

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10182 of 2025

Applicant :- Ashish Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Mohini Jaiswal, Nikhil Singh, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Anil Srivastava, learned Senior Advocate assisted by Sri Nikhil Singh, learned counsel for the applicant, Sri Ajay Singh, learned AGA-I for the State and perused the material on record.

3. This bail application under Section 483 BNSS has been filed by the applicant-Ashish Singh, seeking enlargement on bail during trial in connection with Case Crime No.219 of 2018, under Sections 498-A, 504, 304-B IPC and Section 3/4 Dowry Prohibition Act, Police Station Shivpur, District Varanasi.

4. The FIR of the matter was lodged on 19.4.2018 by Lal Bahadur Singh against the applicant (husband), Dr. Vinay Singh, Usha Singh (mother-in-law), Madhu Singh (nanad) and Shikha Singh (nanad) alleging therein that he has six daughters. His youngest daughter Gunja Singh was married to Ashish Singh on 23.4.2017. Since his daughter was the youngest, he had married her with a lot of pomp and show and given a lot of gifts and dowry. On the demand of Ashish Singh and Vinay Singh, he had given Rs.10 lakh cash in Tilak, two gold rings, two gold chain and all the house-hold items, refrigerator, cooler etc. and after marriage in vidai had given four gold bangles, a gold mangalsutra, a gold mang-tika and other items to his daughter. Vidai was done on 24.4.2017 after which when his daughter went to her matrimonial house, the accused persons made a demand of dowry and used to torture her. When his daughter told him on phone about her torture and harassment, he consoled her and told her that things will be right in some days as in the starting things like this happen. His daughter lived about 1-1/2 months in the matrimonial house after vidai after which he brought his daughter back in vidai to his house. When his daughter came back to matrimonial house, she told them of her torture and harassment on which he talked to the in-laws of his daughter wherein Ashish Singh and Vinay Singh told him that they want a T.V.S Agency in which Rs.7 lakh is needed and he should give the said money or else his daughter would have to face consequences. He then went to her matrimonial house and talked to them and assured them that he would fulfill their demands in some days. His daughter then went in vidai to her matrimonial house where in-laws again started her physical and mental torture. In the meantime she became pregnant and when Ashish Singh came to know it, he forcibly gave her some medicines due to which she became unwell. She used to be abused and taken to a lonely room and assaulted. After some days Ashish Singh took a room on rent and lived for about two months and used to torture his daughter and told that he is having some relationship with someone else and just for the purpose of money, he had married her and as they had murdered the daughter-in-law of his elder uncle, they would murder her also or force her to such an extent that she would consume poison and die. After living for about two months in a rented house, Ashish Singh assaulted his daughter and left her to her maternal house. Whenever his daughter used to call Ashish Singh, he did not respond to the phone and used to block her number. His daughter called Ashish Singh on his marriage anniversary on 23rd April but in the meantime Ashish Singh came and assaulted his daughter and forced her to consume poison due to which on 18.4.2018 she consumed poison in the house of Pratima Singh and Gunja Singh which was under construction. She after consuming poison called her husband and even called to her maternal house but no one came from her matrimonial house. The informant immediately went at the place of incident and took his daughter to the hospital from where she was referred to B.H.U. Her condition deteriorated and then she was admitted in another hospital. Police was informed on dial 100 number. The police took the statement of his daughter which was recorded as a video clip. She in the said statement stated that Ashish Singh, her husband and Dr. Vinay Singh, father-in-law are responsible for her death and they may not be left. She was then taken in another hospital where she died. She had expressed her desire to go to the matrimonial house. After postmortem when he took the dead-body of his daughter to her matrimonial house, her in-laws left the house and ran away. He then brought the dead-body back to his house and cremated her. A report be lodged and action be taken.

5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case although he is the husband of the deceased. It is further argued that the applicant and

four other co-accused persons challenged the present FIR in a writ petition before this Court in which a Division Bench of this Court vide order dated 2.5.2018 passed in Criminal Misc. Writ Petition No.11228 of 2018 (Ashish Singh and 4 others Vs. State of U.P. and 3 others), stayed their arrest till submission of police report under Section 173(2) Cr.P.C., copy of the same is annexed as Annexure No.3 to the affidavit filed in support of bail application. It is further submitted that the postmortem examination of the deceased goes to show that she did not receive any bodily injury and the cause of death could not be ascertained and viscera was preserved which after analysis was found to contain Aluminum Phosphide poison, copy of the same is annexed as S.A-1 to the supplementary affidavit dated 13.4.2025. It is further submitted that the deceased consumed poison while being in her maternal house. It is further submitted while placing para 28 of the affidavit in support of bail application that charge sheet has been submitted against the applicant, Dr. Vinay Singh and Smt. Usha Singh @ Snehlata under Section 504, 498-A, 340-B IPC and 3/4 D.P. Act whereas the other co-accused persons Madhu Singh and Shikha Singh (nanad) have been exonerated and Section 313 IPC has been deleted in the present matter. While placing para 29 of the affidavit in support of bail application, it is submitted that Dr. Vinay Singh and Usha Singh have been granted bail by coordinate Benches of this Court vide orders dated 15.2.2019 and 22.10.2021 passed in Criminal Misc. Bail Application Nos.2644 of 2019 and 34396 of 2021, copies of the said orders are annexed as Annexure No.15 to the affidavit filed in support of bail application. It is further submitted while placing para 30 of the affidavit that the applicant had moved an application under Section 156(3) Cr.P.C. for registration of FIR against the parents of deceased and her family members on which FIR was lodged as Case Crime No.816 of 2018 under Section 302, 120-B IPC against Lal Bahadur Singh, Indravati Singh, Chandan Singh and Archana Singh. It is further submitted that although Home Guard Hari Prakash has been interrogated as the person who recorded the statement of the deceased on his mobile and prepared a video but the said video is totally false and fabricated and there is nothing on record which has been produced by the Investigating Officer with regards to the same and even the said Home Guard is not witness to the charge sheet, para 6 of the said supplementary affidavit has been placed for the same. It has also been pointed out that the applicant is not having any criminal history as stated in para 32 of the affidavit and is in jail since 19.12.2024.

6. 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 the applicant and other co-accused persons. The deceased died within seven years of marriage. The occurrence is continuous act by the applicant inasmuch as the prosecution has stated of the applicant continuously torturing and harassing the deceased. The FIR also clearly states of the dying-declaration of the deceased being recorded by the police of which a video clip is made. The same implicates the applicant and co-accused Dr. Vinay Singh. The dying-declaration is available in the shape of video clip which shall be considered in the trial. The deceased died within one year of marriage. The bail application of the applicant be thus rejected.

7. After hearing the counsel for the parties and perusing the record, it is evident that the applicant is the husband of the deceased. The deceased died due to poisoning within one year of marriage. There is an allegation of demand of dowry, torture and harassment by the applicant and other co-accused persons. Charge sheet has been submitted in the matter. There is dying-declaration of the deceased

which has been recorded in the mobile and a video clip is made. The veracity has to be tested in the trial.

8. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is rejected.

(Samit Gopal, J.) Order Date :- 23.5.2025 Gaurav Kuls