

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 12697 of 2019

**Applicant :-** Kanchan

**Opposite Party :-** State Of U.P.

**Counsel for Applicant :-** Vishal Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Harsh Kumar,J.**

Heard learned counsel for applicant, learned A.G.A. and perused the record.

Learned counsel for applicant contended that applicant has been falsely implicated; that as per averments made in F.I.R. lodged by Daya Ram on 28.10.2018, his son Monu caught his wife Smt. Rashmi red handed in compromising position with applicant Kanchan upon which she assured of non-repetition of such an incident but she continued to be cohabitating with applicant and due to above torture, his son consumed some poisonous substance on 27.10.2018 resulting in his death; that entire prosecution story is absolutely false and incorrect; that it is absolutely wrong to say that applicant was having illicit relationship with Smt. Rashmi, wife of deceased; that applicant happens to be cousin brother of Smt. Rashmi and allegations of illicit relationship between two are highly objectionable; that in any case it is alleged that on protesting against above relationship when deceased admonished his wife, she told him to get lost by consuming poison; that applicant never instigated or abetted deceased for committing suicide; that case of applicant is distinguishable from Smt. Rashmi; that on 17.10.2018 proceedings under Sections 107/116 Cr.P.C. were drawn against applicant and Arvind, brother of deceased showing them to be related to each other; that applicant has no criminal history; that applicant undertakes that he will not misuse liberty of bail; that applicant is in custody since 28.10.2018.

Learned A.G.A. vehemently opposed prayer of bail.

Upon hearing learned counsel and perusal of record and considering complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage without commenting on the merits of the case, I find it a fit case for bail.

Let applicant Kanchan be released on bail in Case Crime No.175 of 2018, under Sections 306, 294 I.P.C., P.S. Mandawali, District Bijnor, on furnishing a personal bond and two sureties each in the like amount to satisfaction of magistrate/court concerned, subject to following conditions:-

(i) The applicant will co-operate with trial and remain present personally on each and every date fixed for framing of charge, recording of evidence as well as recording of statement under Section 313 Cr.P.C. or through counsel on other dates and in case of absence without sufficient cause, it will be deemed that he is abusing the liberty of bail enabling the court concerned to take necessary action in accordance with the provisions of Section 82 Cr.P.C. or Sections 174A and 229A I.P.C.

(ii) The applicant will not tamper with the prosecution evidence and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant will not indulge in any unlawful activities.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

**Order Date :-** 30.3.2019

Kpy