

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 55836 of 2019

Applicant :- Raj Devid @ Rajkumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Sharad Kumar
Srivastava, Dharmendra Kumar Chaubey

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth, J.

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

The present bail application has been filed by the applicant in Case Crime No. 122 of 2019, under Sections- 498-A, 306 IPC and Section 3/4 Dowry Prohibition Act, Police Station- Barla, District- Aligarh, with the prayer to enlarge him on bail.

The submission is that the deceased died in her parent's house and not in her matrimonial home. The cause of suicide is said to be misadjustment with the applicant and members of his family. Regarding the dispute between the deceased and the applicant mediation proceedings were pending in the district court. The applicant alleges false implication in this case. Unless the prosecution establishes that some act or illegal omission by the accused has driven the deceased to commit the suicide, the conviction under Section 306 IPC would not be tenable. The applicant is in jail since 28.08.2019 and has no criminal history to his credit.

Learned A.G.A has opposed the prayer for grant of bail to the applicants but could not point out anything material to the contrary.

Considering the facts and circumstances of the case as also the submissions noticed above, without commenting upon merits of the case, I am of the opinion that the applicants are entitled to be released on bail.

Let the applicant- **Raj Devid @ Rajkumar**, be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned subject to following additional conditions, which are being imposed in the interest of justice:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) 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.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicants fail 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.

(v) 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.

Order Date :- 28.2.2020

Rohit