

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 5730 of 2023

**Applicant :-** Ashish

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko.

**Counsel for Applicant :-** Rajiv Raman Srivastava

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

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Rajiv Raman Srivastava, learned counsel for the applicant, Sri Sanjay Srivastava, learned A.G.A. for the State, Sri Shyamendra Singh, Advocate on behalf of the informant and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 359 of 2022, under Sections 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, registered at Police Station Imaliya Sultanpur, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.09.2022 stating that the informant had got his niece married to the applicant on 05.05.2020; that all the accused persons used to harass her for demanding dowry and on 09.09.2022 the applicant told him by making phone call that she had committed suicide by hanging herself.
4. The postmortem examination report of the dead body of the deceased mentions the only injury to be a ligature mark around her neck with a gap of 4.6 c.m. present on the right side of the neck and the cause of death has been opined to be asphyxia due to ante mortem hanging.
5. It has also been submitted that the applicant's brother co-accused Puneet has been granted bail by this court by means of

order dated 04.01.2023, passed in Criminal Misc. Bail Application No.13 of 2023, the applicant's mother co-accused Rampati has been granted bail by this court by means of order dated 10.01.2023, passed in Criminal Misc. Bail Application No.428 of 2023 and the applicant's father co-accused Vijaypal has been granted bail by this court by means of order dated 10.01.2023, passed in Criminal Misc. Bail Application No.408 of 2023.

6. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. contains general allegations against all the accused persons; that in the postmortem examination report other than a ligature mark no injury has been reported on the dead body of the deceased and the cause of death has been opined to be asphyxia due to ante mortem hanging; that the other-co accused persons have already been enlarged on bail by this court; that the applicant has no previous criminal history and he is languishing in jail since 13.09.2022 and without making any observation, which may affect the merits of the case, I am satisfied that the applicant is also entitled to be enlarged on bail in the aforesaid case crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant-Ashish** be released on bail in Case Crime No. 359 of 2022, under Sections 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, registered at Police Station Imaliya Sultanpur, District Sitapur on furnishing a personal

bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

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

**(Subhash Vidyarthi, J.)**

**Order Date :- 28.4.2023**

Ram.