

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2456 of 2023

Applicant :- Dharmender @ Dharmendra

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Secrett. U.P. Lko.

Counsel for Applicant :- Raghunath Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

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

The present bail application has been filed by accused-applicant seeking bail in Case Crime No.191 of 2022, under Sections 498-A, 304-B I.P.C. & Sections 3/4 D.P. Act, P.S. Hariyawan, District Hardoi.

It is alleged in the F.I.R. that daughter of the informant Shanti was married one year ago with Dharmendra. Since the marriage, Dharmendra, Madhurpal, Ahimanyu have committed atrocities upon the deceased for dowry. Several times punchyat has taken place. On 04.06.2022 at about 02:00 pm, informant received the phone call that his daughter has committed suicide.

Learned counsel for applicant submits that applicant is innocent. He has been falsely implicated. Cause of death is asphyxia as a result of ante mortem hanging. Prosecution witness in their statement under Section 161 Cr.P.C. has made general and sweeping allegations regarding the demand of dowry, there is no specific time or date has been given to show that demand of dowry was made in close proximity to the death of the deceased. The applicant is in jail since 08.06.2022.

Learned A.G.A. has opposed the bail prayer.

On due consideration to the submissions advanced, perusal of the record as also the fact that the applicant is languishing in jail since 08.06.2022, applicant has no criminal history so also the statement of prosecution witnesses and the post mortem report, without expressing any opinion on merits of the case, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is **allowed**.

Let the applicant ***Dharmender @ Dharmendra*** be released on bail in aforesaid case crime number subject to his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iv) 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.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

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

Order Date :- 31.1.2024

Saurabh Yadav/-