



UPSK010022862021

In the Court of Sessions Judge, Sant Kabir Nagar

Bail Application No.909/2021

1. State of U.P. through D.G.C(Criminal), Sant Kabir Nagar
-----Opposite Party

Versus

1. Rajesh s/o Ram Newas aged about 30 years R/o
Bandumar, PS Mehdawal, District Sant Kabir Nagar.

-----Accused/applicant

S.T. No. 122/2019

Case crime No. 145/2019

U/s: 498A, 304B IPC & 3/4 D.P. Act.

PS: Mehdawal

District: Sant Kabir Nagar.

11.10.2021

The instant bail application has been moved by the accused/applicant **Rajesh** for grant of bail to him in case crime no. 145/2019, U/s: 498A, 304B IPC & 3/4 D.P. Act, PS Mehdawal, District Sant Kabir Nagar.

The nutshell of prosecution case is that the complaint of the case Chadrabali s/ Sunru R/oBadhya, P.O. Pachnauri has lodged an FIR which reveals that he got married his daughter (Deceased) with applicant before 5 year from the date of FIR. they have two issue from their wedlock. On 18.06.2019 at about 8:00 A.M. the applicant informed the complainant through phone about the incident. Since before that applicant and his family members were demanding the dowry from the daughter of complainant and harassed her for dowry. On that day they murdered her, throttling the

humanity.

I have heard the learned counsel for the applicant as well as D.G.C.(CrI.) for State and has perused the record of this case.

Learned counsel for the accused has emphasized on bail and argued that applicant is innocent. He has no criminal history. He has not committed any offence, he has been falsely implicated in this case. Neither the applicant threatened the sister of complainant nor he or his family members were demanding the dowry at any time from the deceased, nor they harassed her. The reality is that the deceased did not like the applicant, she had refused to marry with him (applicant) but her inmates forcibly got her married with the applicant. She was keen to marry with another person. She told that fact to the applicant many times which was disclosed by him to her parents and family members but they said, "After sometime every thing will be O.K." The deceased used to threaten to commit suicide and on 18.06.2019 at about 7:00 A.M. when, mother of applicant had gone to root paddy in field, the deceased was preparing meal at home at about 8:15 A.M. when applicant and his mother came back at home to take morning tea then they saw the deceased in hanging position. Then applicant informed the complainant and police too about the incident. Thereafter inquest and post-mortem was done. The co-accused has already been enlarged on bail. There is no apprehension absconding of the accused. He is languishing in Jail since 21.06.2019. With these submissions, it has been prayed for bail.

Learned D.G.C.(CrI.) for the State has vehemently opposed the bail application and has argued that applicant and his family members used to demand of dowry and on failure of fulfillment of demand they harassed the deceased

and resultantly on the date of incident the life of deceased was end within the 7 years of her marriage and prayed for rejection of bail application.

In the above facts and circumstances of the case and keeping in view of nature of the offence, without expressing any opinion on the merits of the case, this Court is not inclined to grant bail to the applicant. Thus, present bail application of the applicant is liable to be rejected.

ORDER

Thus, bail application of accused **Rajesh** is, hereby, rejected.

Dated: 11.10.2021

(Lakshmi Kant Shukla)
Sessions Judge,
(J.O. Code UP06549)
Sant Kabir Nagar