



2025:AHC-LKO:72718

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 10767 of 2025

Mukhtar Ahmad

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : R.B.S. Rathaur, Anu Kumari, Anurag
Singh Rathaur

Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

1. Heard Sri Anurag Singh Rathaur learned counsel for the applicant, learned AGA and perused the record.

2. This is second bail application of the accused-applicant seeking enlargement on bail in FIR/Case Crime No.0032 of 2024 under sections 498-A, 304-B IPC and section 3/4 DP Act, P.S. Kotwali Nagar, District Sultanpur.

3. The first bail application of the applicant was allowed by this court vide order dated 21.05.2024 passed in Criminal Misc. Bail Application No.5418 of 2024. Subsequently, the said order was challenged in appeal before the Hon'ble Supreme Court being SLP (Crl.) No.11355 of 2024 along with three other SLPs (Crl.) and the bail granted to the applicant was set aside by the Hon'ble Supreme Court vide judgement dated 03.03.2025 wherein the Hon'ble Supreme Court had observed that the court should be cognizant of the dowry death prevailing in the society and the court should undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message from the judicial orders cannot be overstated when a young bride dies under the suspicious circumstances merely within two years of marriage, the judiciary must reflect heightened vigilance and seriousness. The Supreme Court had further directed that the applicant and the mother in law of the deceased to surrender before the trial court and directions were also issued to the trial

court to conclude the trial expeditiously.

4. It is stated that in pursuance to the judgment of the Supreme Court, the applicant surrendered before the trial court and thereafter the statement of the witnesses were recorded. The statement of PW-1, who is the informant is on record, wherein the informant has stated that the allegations with regard to demand of dowry were stated at the instance of the members of the society. He also stated that at the time of Panchnama, he had stated that the victim has committed the suicide. The informant was declared hostile.

5. The statement of PW-2, the father of the deceased, is also on record wherein he did not support the prosecution and stated that she was neither harassed for dowry nor was killed. The statement of PW-2, the relative of the deceased, the maternal uncle, also did not support the prosecution and was declared hostile.

6. Similarly, the statement of PW-4, the elder sister of the deceased is also on record, wherein she did not support the prosecution.

7. Considering the said statements, it is essential to notice that fake cases of demand of dowry are on the rise, as is evident from the present case where the informant, challenged the order of grant of bail before the Supreme Court and thereafter has resiled from the said statements and have not supported the prosecution version, this fact cannot be ignored by this court. This is very unfortunate case where, the informant took a different stand before the Supreme Court as is noticed by the judgment of the Supreme Court and has thereafter resiled from the statements which indicates the stark reality of the society.

8. Considering the statements, the applicant who is in custody since 17.03.2025 is entitled to bail. Thus the bail application is allowed.

9. Let the applicant **Mukhtar Ahmad** be released on bail in aforesaid FIR/Case Crime Number subject to his furnishing a personal bond and two reliable sureties of Rs.20,000/- (Twenty Thousand) each of the like amount to the satisfaction of the court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) 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.

(Pankaj Bhatia,J.)

November 13, 2025

VNP/-