

**Court No. - 15**

**Case :-** BAIL No. - 3868 of 2021

**Applicant :-** Suraj Singh

**Opposite Party :-** State of U.P.

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

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

**Hon'ble Alok Mathur,J.**

Heard Sri Rajiv Raman Srivastava, learned counsel for the applicants as well as learned A.G.A for the State and perused the record.

The counter affidavit filed on behalf of the State is taken on record.

By means of this application, the applicant who is involved in Case Crime No. 355 of 2020, under Sections 498-A, 304-B I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station- Maholi, District- Sitapur is seeking enlargement on bail during the trial. The applicant is in jail since 25.12.2020.

Contention raised by learned counsel for the applicant is that the applicant is 'Devar' of the deceased. This is a strange case whereby the first informant himself is not sure about his own case. In the F.I.R. there is an allegation with regard to alleged discord between husband and wife on account of paucity of funds, resultantly, she was not given sufficient amount to maintain herself, as a result thereof she has committed suicide and the case under Section 306 I.P.C. was registered.

After few days an application was given by the informant, changing the prosecution case upside down and this time usual allegation of matrimonial discord on account of dowry. Though the police has submitted charge-sheet under Sections 498-A, 304-B I.P.C. and Section 3/4 of Dowry Prohibition Act; this sufficiently depicts the amount of uncertainty in the prosecution story. The informant himself is not sure about the real reason of sore relationship. Except singular ligature mark there is no other injury over her person and the cause of death is hanging.

Within two days after the incident, the entire texture of the case was changed by levelling usual allegation of demand of dowry. There was a sea change in the tone, texture and tenor of the case. The prosecution himself is not sure about his own case. The fact remains that the deceased died on account of hanging. Thus, the applicant is liable to be released on bail. It is also submitted that co-accused Dinesh Singh and Asha Devi, who

are father-in-law and mother-in-law of the deceased respectively have already been granted bail by this Court vide order dated 3.8.2021 passed in Bail Application No.7857 of 2021 and the case of the present applicant is on similar footing to them and, as such, the present applicant is also entitled to be granted bail on the ground of parity.

Learned A.G.A opposed the prayer for bail but could not dispute the aforesaid facts.

Keeping in view the nature of the offence, evidence, complicity of the accused and submissions of learned counsel for the parties, on the ground of parity and without expressing any opinion on merits of the case, I am of the view that the applicant has also made out a case for bail. The bail application is allowed.

Let applicant- Suraj Singh, who is involved in Case Crime No. 355 of 2020, under Sections 498-A, 304-B I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station- Maholi, District- Sitapur, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) THE APPLICANT SHALL FILE AN UNDERTAKING TO THE EFFECT THAT HE SHALL NOT SEEK ANY ADJOURNMENT ON THE DATE 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.

(ii) THE APPLICANT SHALL REMAIN PRESENT BEFORE THE TRIAL COURT ON EACH DATE FIXED, EITHER PERSONALLY OR THROUGH THEIR COUNSEL. IN CASE OF HIS ABSENCE, WITHOUT SUFFICIENT CAUSE, THE TRIAL COURT MAY PROCEED AGAINST HIM UNDER SECTION 229-A I.P.C.

(iii) 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., MAY BE ISSUED AND IF 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 I.P.C.

(iv) THE APPLICANT SHALL REMAIN PRESENT, IN

PERSON, BEFORE THE TRIAL COURT ON DATES FIXED FOR (1) OPENING OF THE CASE, (2) FRAMING OF CHARGE AND (3) 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. (v) THE TRIAL COURT MAY MAKE ALL POSSIBLE EFFORTS/ENDEAVOUR AND TRY TO CONCLUDE THE TRIAL WITHIN A PERIOD OF ONE YEAR AFTER THE RELEASE OF THE APPLICANT.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Since the bail application has been decided under extra-ordinary circumstances, thus in the interest of justice following additional conditions are being imposed just to facilitate the applicant to be released on bail forthwith. Needless to mention that these additional conditions are imposed to cope with emergent condition-:

1. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.
2. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.
3. The computer generated copy of such order shall be self attested by the counsel of the party concerned.
4. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

**Order Date :- 19.8.2021**  
RKM.

**(Alok Mathur, J.)**