

**Court No. - 52**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 22420 of 2015

**Applicant :-** Gopal

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

**Counsel for Applicant :-** S.S. Shah

**Counsel for Opposite Party :-** Govt. Advocate

**Hon'ble Karuna Nand Bajpayee, J.**

Supplementary affidavit filed today is taken on record.

This application has been filed seeking the release of the applicant on bail in Case Crime No. 594 of 2014, u/s 498A, 304B I.P.C. and 3/4 D.P. Act, Police Station- Medical, District- Meerut.

Heard learned counsel for the applicant and learned A.G.A.

Perused the record.

Submission of counsel for the applicant is that the allegations of demanding dowry and ill-treatment are wrong and the deceased committed suicide because of some domestic incompatibility with her husband as the husband was not so educated as the deceased was and she used to feel frustrated of this unequal marriage.

Learned A.G.A. has opposed the prayer for bail and has submitted that the applicant is the husband and the post mortem examination indicates one abraded contusion on the body of the deceased, apart from the ligature mark seen around the neck which indicates that the deceased was subjected to violence before her death. Further submission is that the deceased died unnatural death under abnormal circumstances within four years of her marriage and there is no convincing adequate explanation as to why she did commit suicide. There is sufficient evidence on record to indicate not only demand of dowry but also cruel treatment which was meted out to her by the applicant and other family members and the applicant being husband was not only responsible for safety and welfare of his wife but was also under heavy onus to explain her unnatural death taking place within the precincts of his own house. Submission is that even commission of suicide is a death under abnormal circumstances and shall also come within the ambit of dowry death as has been settled by the Apex Court.

Looking to the nature of offence, its gravity and the evidence in support of it and the overall circumstances of this case, this Court is of the view that the applicant has not made out a case for bail. Therefore, the prayer for bail of the applicant is rejected.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of the bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :-** 30.9.2016

Naresh