

(2023) 07 UK CK 0164

In the Uttarakhand High Court

Case No : First Bail Application No. 1148 Of 2023

Manish Rana

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 26-07-2023

Acts Referred:

Indian Penal Code, 1860 — Section 304B, 323, 504

Citation : (2023) 07 UK CK 0164

Hon'ble Judges : Vivek Bharti Sharma, J

Bench : Single Bench

Advocate : Divya Jain, S. S. Adhikari, Balvinder Singh

Final Decision : Allowed

Judgement

Vivek Bharti Sharma, J

1. Applicant Manish Rana, who is in judicial custody in FIR No.266 of 2022 under Sections 304-B, 323 & 504 of IPC, Police Station Sahaspur, District Dehradun, has sought his release on bail.

2. Heard learned counsel for the parties and perused the material available on file.

3. Learned counsel for the applicant would submit that the alleged incident is of 14.09.2022 and the applicant/accused is languishing in jail since 18.09.2022; charge sheet has been filed; the applicant/accused is husband of deceased. She would further submit that there is no evidence whatsoever against the present applicant/accused that there was demand of dowry by the applicant/accused from the deceased or the family of the deceased and that he was subjected to any kind of cruelty soon before her death for such demand. She would further submit that mere perusal of the FIR shows that the deceased was unhappy for the reason that her husband/applicant was having relations with other girls and she was frustrated. She would further submit that there is no recovery of the poison bottle by the police during investigation; that, the case of the prosecution

falls flat for the reason because it was the husband/applicant of the deceased, who used to pay money in the accounts of brother of the deceased. In this regard, she would refer to supplementary affidavit (Page 236 of the bail application), which gives details of the payments made by the applicant/accused in the account of the brother of the deceased. She would further submit that the co-accused Seema Devi, mother of the applicant/accused has already been granted bail by this Court vide order dated 12.05.2023.

4. Learned State counsel vehemently opposed the bail application, however, he admitted the fact of the account details; that, the co-accused Seema Devi has already been granted bail by this Court.

5. In the circumspection of facts as stated above, without expressing any opinion about merits of the case before the Trial Court, this Court is of the view that this is a case fit for bail.

6. The bail application is, accordingly, allowed. Let the applicant be released on furnishing bail bond with two sureties in the amount of Rs. 40,000/- each and personal bond of the like amount to the satisfaction of the learned Trial Court.