

Ramesh Rai Vs. State of U.P.

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Court : Allahabad

Decided On : Aug-22-2012

Judge : The Honourable Ms. Justice Naheed Ara Moonis

Appeal No. : Criminal Misc. Bail Application No. 2752 of 2011

Appellant : Ramesh Rai

Respondent : State of U.P.

Judgement :

Naheed Ara Moonis, J.

Heard the learned counsel for the applicant, the learned AGA and perused the record.

The present bail application has been moved by the applicant, Ramesh Rai in case crime no.185 of 2010, under Sections 498A, 304B, 201 IPC and Section 3/4 Dowry Prohibition Act, P.S. Karimuddinpur, District Ghazipur, with a prayer that he may be admitted to bail during the pendency of trial.

The applicant is the husband of the deceased, Anita Devi. According to the prosecution case, the complainant's sister was married with the applicant on 22.4.2008, and at the time of marriage sufficient amount of dowry was given, but the husband of the deceased and other in-laws were not satisfied with the dowry and she was facing brunt of her in-laws as they were demanding more dowry. On

account of non fulfillment of the demand of dowry she was constantly meted to torture and cruelty by her in-laws. The victim was ousted by the husband and other in-laws. The complainant had tried to settle the dispute between the husband and wife. An effort was also made by the respected members of the family and other relatives to settle the dispute prior to the incident, and the victim was send to her matrimonial house. Out of their wedlock a male child was born, even then the in-laws of the victim did not change their attitude and tortured the victim for dowry, and at last she was done to death in the intervening night of 25.6.2010. The complainant received an information, that his sister had consumed poison. Later on the mother in-law of the deceased told him that she had strangled herself by hanging. When the complainant and his other family members reached there, he was informed that she had been done to death by pressing her neck, and in order to destroy the evidence, the applicant and other in-laws had thrown the dead body of the deceased in the river Ganges. The complainant tried to search out the dead body of the deceased with the help of local people and divers but could not be found. Thereafter, the complainant lodged the first information report on 27.2.2010, under Sections 498A, 304B, 201 IPC and Section 3/4 Dowry Prohibition Act.

The submission of the learned counsel for the applicant is that, the allegations made in the first information report are absolutely false and frivolous. After her death the applicant had emersed the dead body of his wife in the river Ganges according to the customary rites. Neither there was any demand, nor she was ill treated or meted to any cruelty. In fact she was suffering from acute pain in abdomen and she was under going treatment. In this regard a prescription dated 23.12.2009 of Primary Health Centre, Sohaon, District Ballia, showing that the victim was suffering from pain and dysentery, has been filed with the bail application.

It is further submitted that, the victim has died her natural death and the applicant and his entire family members have been roped in the case falsely. The allegations of demand of dowry, as alleged in the first information report, are absolutely false and concocted, have been made to give colour to the case. The applicant is in jail since 15.4.2010.

Per contra, the learned AGA has opposed the prayer for bail and contended that, it is evident from the first information report, that the victim died in an unnatural circumstances within two years of marriage. The prescription of medical treatment of the victim, which is annexed with the affidavit filed in support of the bail application is much prior of her death. The circumstances show that she was constantly facing the brunt of her in-laws, the victim has been done to death on account of non fulfillment of demand of dowry and after the death of the victim, the accused persons did not inform the police, and thrown her body in the river Ganges, without waiting her family members to reach, only to wipe of the evidence. The applicant is the husband of the deceased, who has obligation to maintain his wife and responsible for her safety and security. Mere long incarceration in jail is no ground to get indulgence of bail. The court below after considering each and every aspect, has rightly rejected the bail application of the applicant. The applicant does not deserve to be enlarged on bail.

I have considered the rival submissions advanced by the learned counsel for the parties at the bar. The applicant, who is the husband of the deceased, along with his other family members had killed his own wife within two years of marriage. From the perusal of the first information report, it is evident that there was demand of dowry and she was also ousted from her matrimonial house. Cryptic informations have been given by the in-laws of the deceased, that she had strangulated herself, and that she has consumed poison herself. The applicant has also not waited for arrival of the victim's family members for cremation and disposed of her dead body hurriedly by throwing into the river Ganges. The certificate, showing that her last rites have been done according to the customary rites, is the subject matter of trial. The medical prescription dated 23.12.2009 is of much prior to the incident dated 25.6.2010, and as such cannot be said that she died her natural death on account of some ailments. The gravity of offence is too much. There is active participation of the applicant in the commission of offence. I am not inclined to grant bail to the applicant, therefore, the bail application is rejected.

However, the trial court is directed to proceed with the case and conclude the trial expeditiously on its own merit, if possible, within a period of six months from the

date of receiving of the certified copy of the order filed by the applicant, applying provision of Section 309 Cr.P.C., uninfluenced by any observation made herein above, provided that the accused-applicant shall cooperate with expeditious disposal of trial.

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