

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32538 of 2020

Applicant :- Ritesh Chauhan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mithilesh Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Rahul Chaturvedi,J.

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

By means of the present application the applicant is seeking his bail in case Crime No.122 of 2019, u/s 498A, 304B, 120B I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station-Mardah, District-Ghazipur.

This case is a glaring example of "compromise culture" between the contesting parties, which is rampantly prevailing now a days. The life of the deceased is not so cheap, which could be negotiated between two individuals. The girl has lost her life within one and half month of her marriage at the residence of the applicant-husband. The FIR was got registered on 18.7.2019 by the mother of the deceased against the husband and his other family members levelling the allegation that they were demanding a motorcycle, a golden chain and Rs.1 lac as additional dowry and on this score the deceased was tortured and when this demand remained unfulfilled they eventually killed her on 17.7.2019. The statements u/s 161 Cr.P.C. of mother (informant) and father of the deceased clearly supported the version of F.I.R. Learned counsel for the applicant has drawn attention of the Court to Annexure-2, alleged *Panchnama*, dated 17.7.2019 and some photographs, indicating that the father of the deceased has accepted Rs.2 lacs and has exonerated the accused persons from all the allegations made against them. This is nothing but as a result of compromise between the parties. The Law Courts cannot be made party to the said compromise. Under the circumstances, the Court is of the considered opinion that it is expedient in the interest of justice that an inquiry should be made into the offence recorded in Clause B of Section 195, which has been committed and in relation to the proceeding of this Court by giving false and evidence.

Accordingly, let notice be issued under Section 340 Cr.P.C. to the informant Smt. Savita Devi w/o Shri Chaitar Chauhan, R/o

Village-Sirsi, Post-Bhojapur, P.S.-Mardah, District-Ghazipur through C.J.M., Ghazipur directing her to appear in person or through her counsel giving reply as to why the proceeding under the aforesaid offences should not be initiated against her.

The reply of the informant must be received by the office latest by 20.02.2021.

List this matter before this Court for further arguments once again on 24.02.2021.

Order Date :- 18.1.2021

M. Kumar