



2025:AHC:197989

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30824 of 2025

Ramratan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Habalдар Singh Katheria
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE SAMIT GOPAL, J.

Order on Petition

1. List revised.
2. Heard Sri Shad Khan, Advocate holding brief of Sri Habalдар Singh Katheria, learned counsel for the applicant and Sri Ajay Singh, learned A.G.A.-I for the State and perused the material on record.
3. Personal affidavit of the Superintendent of Police, Farrukhabad has been filed today in Court which is taken on record.
4. On 10.10.2025 the following order was passed by this Court:-

"1. List revised.

2. Heard Sri Shad Khan, Advocate holding brief of Sri Habalдар Singh Katheria, learned counsel for the applicant and Sri Ajay Singh, learned A.G.A.-I for the State and perused the material on record.

3. Learned counsel for the applicant submits that the viscera report of the deceased which was preserved has not yet seen the light of the day. He submits that under such circumstances bail of co-accused Munna Lal Jatav the father-in-law of the deceased although was initially adjourned calling for the viscera report thrice but subsequently the same was considered and was allowed by a co-ordinate Bench of this Court vide order dated 04.07.2025 passed in Criminal Misc. Bail Application No. 9884 of 2025 (Munna Lal Jatav Vs. State of U.P.), the copy of the said order is annexed as Annexure-11 to the affidavit and the said fact is mentioned in paragraph 4 of the said order which has been placed before the Court. It is submitted that trial in the matter has started in which one witness namely Atal Bihari is being examined as P.W.-1 but till date the viscera report has not seen the light of the day.

4. This fact is really disturbing. If the prosecution intends to rely on the same it has to produce it at the appropriate stage in trial. The testimony of P.W.-1 is being recorded but the viscera has not been filed yet.

5. Let an affidavit of the S.S.P., Farrukhabad be filed within three weeks clearly disclosing whether the such alleged evidence is being relied upon by the prosecution in the present matter or not and if the same is being relied upon then why the report has not yet been filed before the trial court despite the trial having being started.

6. Let the matter be listed on 07.11.2025 as fresh.

7. The Registrar (Compliance) and learned A.G.A. to communicate this order to the S.S.P., Farrukhabad forthwith for its compliance and necessary action."

5. The personal affidavit dated 04.11.2025 Superintendent of Police, Farrukhabad filed today in Court states in paragraph 7 that the viscera report of the deceased Smt. Prem Lata was sent by Special Messenger Sub-Inspector Rajesh Kumar Singh at Police Station Mohammadabad to the Science Laboratory, Jhansi on 22.02.2024. Further in paragraph 10 of the said affidavit it is averred that the postmortem of the deceased was conducted on 22.02.2024 and thereafter reminders dated 13.03.2024, 18.04.2024, 29.06.2024 and 08.08.2024 were sent through Special Messenger to the Science Laboratory. In paragraph 10 of the said affidavit it is further averred that Charge-Sheet No. 174 of 2024 dated 13.09.2024 has been filed against Ramratan (husband), Munna Lal (father-in-law) and Smt. Rani Devi (mother-in-law). Paragraph 13 of the said affidavit states that the court concerned has taken cognizance on the charge-sheet on 11.11.2024 and then the said case was committed to the court of Sessions and charge has been framed on 13.02.2025 and the trial is under progress. Further paragraph 13 of the said affidavit states that viscera report has been received through registered post and thereafter on 01.02.2025 the same has been annexed in the case-diary and sent to the trial court on 13.02.2025 and thus is on record of the trial court, copy of the viscera report has been annexed as Annexure No.1 to the said affidavit.

6. This Court has perused the same. The said report states that the material was received at the laboratory on 22.02.2024 through Special Messenger Sub-Inspector Rajesh Kumar Singh. The report is signed by the Forensic Officer, F.S.L., Rajgarh, Jhansi and he has

put the date on it as 04.09.2024, thus the same shows that the viscera was examined and its report was prepared on 04.09.2024. Paragraph 12 of the said affidavit states that charge-sheet dated 13.09.2024 was filed. Further 14 of the said affidavit states that on 01.02.2025 the viscera report was annexed in the case-diary after being received through registered post. Thus, it appears that from 04.09.2024 to 01.02.2025 the viscera report although was prepared but was not received by the Investigating Officer. The charge-sheet was filed without receiving the viscera report and even cognizance on the same was taken with receipt of the said viscera report.

7. This fact is disturbing. There has to be a procedure and process of expeditiously transmitting the viscera report by the Forensic Science Laboratories to the Investigating Agency for its consideration. The fact shows that the investigation concluded without receiving the viscera report and charge-sheet was submitted. It shows that in so far as the cause of death of the deceased was concerned, was not conclusive and viscera was preserved and the viscera report was received much after the filing of the charge-sheet. This shows that the investigation was on some count in some manner incomplete.

8. The said report is one of the links in the chain of circumstances of a matter of such nature and thus is a crucial evidence which should be in the hands of the Investigating Agency within time to reach to a reasonable conclusion with all the such relevant and important documents.

9. The Chief Secretary, Government of Uttar Pradesh, Lucknow, The Director General of Medical Health, Government of Uttar Pradesh, Lucknow and The Director General of Police, Government of Uttar Pradesh, Lucknow are directed to look into the situation and ensure that viscera reports are communicated expeditiously without any wastage of time from the Forensic Science Laboratories to the Investigating Agency for complete, proper and effective assessment of the case during investigation.

10. Registrar (Compliance) to communicate this order to the officers concerned within a week for necessary action and compliance.

11. Learned A.G.A.-I for the State shall also communicate this order to the officers concerned to do the needful.

Order on Bail Application

1. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- **Ramratan**, seeking enlargement on bail during trial in connection with Case Crime No. 26 of 2024, under Section 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Mohammadabad, District Farrukhabad.

2. The first information report of the present matter was lodged on 16.02.2024 by Atal Bihari against the applicant and 05 other persons alleging therein that his sister Prem Lata was married to Ramratan (the applicant) on 14.01.2020 as per Hindu rites & customs. In the marriage the informant and his family members had given Rs. 50,000/- in Tilak, gifts and household articles of about 2.5 lakh. The in-laws of his sister were not happy with it and there was additional demand of a motorcycle and Rs. One lakh as dowry from her and as the said demand could not be fulfilled his sister used to be abused, assaulted and physically & mentally tortured by them. She told him and his family members many times about assault on her after which her in-laws were consoled many times and the matter was got settled. No legal action was taken considering that the relationship may go bad. On 04.02.2024 at about 4 am Munna Lal the father-in-law of his sister called him on phone and told him that his sister is unwell and has been taken to the City Hospital, Farrukhabad and admitted there. On the said information he and his family members went to the hospital and reached at about 6 am and found his sister to be admitted in I.C.U. and was being treated. The doctor was consulted who stated that his sister is critical. The doctor then at about 3 pm declared his sister to be dead. Her body was seen wherein injuries were seen on her face, neck and other parts of the body. The accused persons due to non-fulfillment of their dowry administered poisonous substance to her and then hung her due to which she died. A report be lodged and action be taken.

3. Learned counsel for the applicant submitted that although the applicant is the husband of the deceased but he has been falsely

implicated in the present case. It is submitted that the father of the applicant admitted the deceased Smt. Prem Lata in the hospital as would be evident from the patient history sheet of Farrukhabad City Hospital, Farrukhabad, the copy of which is annexed as Annexure-12 to the affidavit. While placing paragraph 11 of the affidavit it is submitted that the deceased Prem Lata was a short-tempered and a free mind lady and always quarreled with her husband without any reason and also created pressure upon the applicant to live with him but the applicant was not in a position to live with the deceased continuously as his place of work was different and the same was the reason for her depression after which she consumed poison and later on died. While placing paragraph 18 of the affidavit it is submitted that the investigation in the matter has concluded and charge-sheet has been submitted. It is submitted that a direction was issued by another Bench of this Court in Bail Application No. 8573 of 2011 (Molahey Vs. State of U.P.) vide order dated 27.08.2013 and in compliance of the same a Circular dated 17.08.2013 was issued by the D.G.P., U.P., Lucknow directing that no charge-sheet should be submitted in such cases without a viscera report but the same is not being followed, copy of the circular of the D.G.P., U.P., Lucknow has been placed which is annexed as Annexure-10 to the affidavit. It is submitted that co-accused Munna Lal Jatav the father-in-law and Smt. Rani Devi the mother-in-law of the deceased have been granted bail by a co-ordinate Bench of this Court vide orders dated 04.07.2025 and 09.07.2025 passed in Criminal Misc. Bail Application Nos. 9884 of 2025 and 23588 of 2025, the copy of the said orders are annexed as Annexure-11 to the affidavit. The applicant has no criminal history as stated in para 29 and is in jail since 17.08.2024.

4. *Per contra*, learned counsel for the State vehemently opposed the prayer for bail and submitted that the applicant is the husband of the deceased. It is submitted that the deceased died an unnatural death within seven years of marriage in her matrimonial house and there are allegations of demand of dowry, harassment and torture by the applicant and other co-accused. It is submitted that the deceased was found to have received 01 abraded contusion, 02 contusions and 01 abrasion on her body and the cause of death could not be ascertained and viscera was preserved which after examination was found to contain Organochloro Insecticide, the copy of viscera report

has been placed before the Court which is annexed as Annexure-1 to the said personal affidavit of the Superintendent of Police concerned. It is submitted that co-accused who have been granted bail are the family members of the applicant being father-in-law and mother-in-law of the deceased and since the applicant is the husband of the deceased his case is distinguishable with that of the said co-accused. It is submitted that the bail application be rejected.

5. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is the husband of the deceased. There is an allegation of demand of dowry, torture and harassment by the applicant and other co-accused. The deceased died unnaturally within seven years of marriage in her matrimonial house. Co-accused who have been granted bail are the father-in-law and mother-in-law of the deceased and since the applicant is the husband of the deceased his case is distinguishable with that of the said co-accused. The cause of death could not be ascertained and viscera was preserved which after examination was found to contain Organochloro Insecticide. No ground for bail is made out.

6. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is **rejected**.

7. Pending application (s), if any, shall stand disposed of.

November 7, 2025
AS Rathore

(Smit Gopal,J.)