

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6560 of 2023

Applicant :- Smt. Pushpa Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Kamal Singh

Counsel for Opposite Party :- G.A.,Gopal Khare

Hon'ble Sameer Jain,J.

1. None appeared on behalf of the informant even in revised call, however, learned AGA for the State is present.
2. Rejoinder affidavit filed today on behalf of the applicant is taken on record.
3. Heard Sri Kamal Singh, learned counsel for the applicant and Sri Pradeep Kumar, learned AGA for the State-respondent.
4. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 201 of 2022, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Kuthond, District- Jalaun, during pendency of the trial in the court below.
5. FIR of the present case was lodged against applicant and her family members and according to the FIR, marriage of the son of the applicant was performed with the daughter of the informant on 07.06.2018 and after marriage, applicant and her family members tortured her for golden chain and about six months before, applicant and her family members also turned out the daughter of the informant from her matrimonial home and on 21.10.2022, applicant and her family members committed her murder by hanging her.
6. Learned counsel for the applicant submitted that applicant is the mother-in-law of the deceased and on the basis of general allegation, she has been made accused in the present matter alongwith father-in-law and other family members. He further submitted that it appear that some dispute arose between husband and wife and thereafter wife hanged herself.
7. He further submitted that post-moretem report of the deceased

suggests that she died due to hanging and her hyoid bone was found intact.

8. He further submitted that bail application of father-in-law of the deceased, Shyam Singh, has been allowed by co-ordinate Bench of this Court vide order dated 13.03.2023 passed in Criminal Misc. Bail Application No. 7845 of 2023. He placed the bail order of co-accused Shyam Singh during the course of argument, which is taken on record and marked as 'A'. He further submitted that case of applicant is even at better footing than him.

9. He further submitted that applicant is a lady and she is not having any criminal history and is in jail since 23.10.2022 i.e. for last more than a year.

10. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the fact that applicant is the mother-in-law of the deceased and only general allegation has been levelled against her and bail application of father-in-law of the deceased has already been allowed by this Court.

11. I have heard learned counsel for the parties and perused the record of the case.

12. Considering the fact that applicant is mother-in-law of the deceased and only general allegation has been levelled against her and deceased died due to hanging and father-in-law of the deceased has already been released on bail and applicant is in jail for last more than a year, in my view applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

14. Let the applicant- **Smt. Pushpa Devi** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 13.12.2023

KK Patel