Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8533 of 2023

Applicant :- Sarvesha Devi
Opposite Party :- State of U.P.
Counsel for Applicant :- Salilendu Kumar Upadhyay,Jitendra Kumar,Rakesh Kumar Rathore,Sanjeev Kumar,Sunny Prakash
Counsel for Opposite Party :- G.A.,Anil Kumar,Arjun Singh Solanki,Mohit Singh

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. Heard Sri Purushottam Dixit, Advocate, holding brief of Sri Jitendra Kumar, learned counsel for the applicant and Sri Amarnath Vishwakarma, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0539 of 2022, under Sections 498-A, 304-B IPC & Sections 3/4 D.P. Act, Police Station Bhogaon, District Mainpuri, during pendency of the trial in the court below.

4. FIR of the present case was lodged on 14.10.2022 against applicant and her family members including her son i.e. husband of the deceased and according to the FIR, marriage of the son of the applicant was performed with the deceased on 20.06.2022 and after marriage, deceased was tortured by the applicant and her family members for demand of Rs.2,00,000/- as dowry and on 14.10.2022, informant received an information that her daughter has died.

5. Learned counsel for the applicant submitted that entire allegation of torture and demand of dowry made against the applicant is totally false and baseless and applicant only being mother-in-law of the deceased has been made accused in the present matter. He further submitted that deceased died within four months of her marriage and therefore, it appears that she was not happy with the son of the applicant and from the post-mortem of the deceased, it appears that she died due to hanging and her hyoid

bone was found intact.

6. He further submitted that bail application of father-in-law, Balak Ram, has already been allowed by this Court on 09.08.2023 passed in Criminal Misc. Bail Application No. 12743 of 2023 and case of applicant is at par with him.

7. He further submitted that applicant is not having any criminal history and she is in jail in the present matter since 18.10.2022, therefore, applicant may be enlarged on bail.

8. Per contra, learned AGA and learned counsel for informant although, opposed the prayer for bail but could not dispute the fact that applicant is mother-in-law of the deceased and deceased died due to hanging and father-in-law of the deceased has been released on bail by this Court.

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

10. Although daughter-in-law of the applicant died within four months of her marriage under abnormal circumstances in her matrimonial home due to hanging and there is also demand of dowry but there is no specific allegation against the applicant and from the post-mortem report of the deceased, it appears that the she died due to hanging, therefore argument advanced by learned counsel for the applicant cannot be completely ruled out at this stage.

11. Further applicant is mother-in-law of deceased and is not having any criminal history and he is in jail in the present matter since since 18.10.2022.

12. Further, bail application of father-in-law, Balak Ram, has been allowed by this Court on 09.08.2023 and case of applicant is at par with him.

13. Therefore, considering the facts and circumstances of the case, discussed above, in my view applicant is entitled to be released on bail.

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

15. Let the applicant- **Sarvesha 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.

16. 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.

17. 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 :- 7.12.2023
KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad