

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33525 of 2023

Applicant :- Smt. Indu Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Pulak Ganguly

Counsel for Opposite Party :- G.A., Arunesh Kumar Singh

Hon'ble Sameer Jain, J.

1. Heard Sri Pulak Ganguly, learned counsel for the applicant, Sri Arunesh Kumar Singh, learned counsel for the informant and Sri Pradeep Kumar, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 151 of 2023, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Ramkola, District- Kushinagar, during pendency of the trial in the court below.

3. FIR of the present case was lodged against applicant and his family members and according to the FIR, marriage of the son of the applicant was performed with the daughter of the informant on 22.01.2022 and after marriage, applicant and her family members tortured her for *Ertiga Car* and due to non fulfillment of the demand of dowry on 09.04.2023, applicant and her family members committed the murder of her daughter.

4. Learned counsel for the applicant submitted that applicant is the mother-in-law of the deceased and on the basis of false allegation of demand of dowry and torture, she has been made accused in the present matter. He further submitted that on the basis of general allegation, applicant alongwith others has been made accused and it appears that some dispute arose between husband and wife and thereafter wife committed suicide by hanging herself. He further submitted that post-mortem report of the deceased also suggests that she died due to hanging.

5. He further submitted that applicant is lady and she is in jail since May, 2023 i.e. for last more than six months.

6. Per contra, learned AGA as well as learned counsel for the

informant opposed the prayer for bail and submitted that daughter-in-law of the applicant died within two years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but could not dispute the fact that applicant is the mother-in-law of the deceased and there is no specific allegation against her and deceased died due to ante-mortem hanging. They further could not dispute the fact that applicant is in jail for more than six months.

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

8. Considering the fact that applicant is the mother-in-law of the deceased and there is no specific allegation against her and deceased died due to hanging and applicant is in jail for more than six months, in my view applicant is entitled to be released on bail.

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

10. Let the applicant- **Smt. Indu 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.

11. 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.

12. 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 :- 30.11.2023 / KK Patel