

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42037 of 2023

Applicant :- Km. Seema Verma

Opposite Party :- State of U.P.

Counsel for Applicant :- Kalyan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Kalyan Singh, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur Singh, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release her on bail in Case Crime No.104 of 2023, under Sections 364,302, 201 and 34 IPC, Police Station Karvi, District Chitrakoot during pendency of the trial.
3. FIR of the present case was lodged against unknown persons under Section 364 IPC and according to the FIR, the son of informant eloped somewhere on 3.1.2023 and in this regard on 8.2.2023 a missing report was lodged but till the lodgement of FIR the son of the informant could not be recovered. It is further mentioned in the FIR that informant was having suspicion that nominated accused Kamal Singh and Shani have eloped his son.
4. Learned counsel for the applicant submits that FIR of the present case was lodged under Section 364 IPC but after recovery of the dead body of the son of the informant case was converted under Section 302 IPC.
5. He next submits that applicant was not named in the FIR but during investigation when complicity of co-accused Kamal Singh was revealed and he was arrested then he confessed his guilt and disclosed the name of applicant and stated that applicant was

having illicit relationship with the deceased and thereafter he also developed illicit relationship with applicant and only due to this reason along with applicant, he,i.e., co-accused Kamal Singh committed the murder of the deceased.

6. He further submits that except the statement of co-accused Kamal Singh there is no other evidence against the applicant on record and applicant is lady and she is not having any previous criminal history and she is in jail since 24.2.2023.

7. Per contra, learned AGA opposed the prayer for bail and submits that it is a case of circumstantial evidence and as applicant was having illicit relationship with the deceased, therefore, she along with co-accused Kamal Singh committed his murder.

8. Learned AGA further submits that bail application of co-accused Kripa Shanker Upadhyaya has already been dismissed by this Court but he could not dispute the fact that applicant is a lady and except the statement of co-accused there is no other evidence against the applicant on record and her case is distinguishable from the case of co-accused Kripa Shanker Upadhyaya as on the pointing out of co-accused Kripa Shanker Upadhyaya the dead body of the deceased was recovered after digging the earth.

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

10. It is a case of circumstantial evidence and except the statement of co-accused there is no other evidence against the applicant on record.

11. However, bail application of co-accused Kripa Shanker Upadhyaya was dismissed by this Court on merit but the case of

applicant is distinguishable from him as on the pointing out of co-accused Kripa Shaner Upadhyaya dead body of the deceased was recovered after digging the earth.

12. Further, applicant is lady and not having any previous criminal history and in the present matter she is in jail since 24.2.2023.

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-**Km.Seema Verma** 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 her 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.

19. 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.

20. 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 :- 13.10.2023
SKM