

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44466 of 2023

Applicant :- Smt. Anita Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Vikas Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Shri Vikas Tripathi, learned counsel for the applicant and Shri Pradeep Kumar, learned brief holder for the State.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.240 of 2023, under Sections 302, 201, 120-B IPC, Police Station Pooranpur, District Pilibhit, during pendency of the trial in the court below.

3. FIR of the present case was lodged against the applicant and three others on the basis of suspicion that applicant is the wife of the deceased and she was not having good character and was having illicit relationship with co-accused Anuj Kumar and therefore, she alongwith the co-accused Anuj Kumar and other two accused persons committed the murder of her husband.

4. Learned counsel for the applicant submitted that applicant is the wife of the deceased and on the basis of false allegation of illicit relationship of the applicant with co-accused Anuj Kumar, she has been made accused in the present matter and except suspicion, there is no other evidence against her on record. He further submitted that there was evidence of last seen against co-accused Anuj Kumar.

5. He further submitted that the co-accused Anuj Kumar has already been released on bail by this Court vide order dated

04.10.2023 passed in Criminal Misc. Bail Application No.39677 of 2023. The bail order of the co-accused Anuj Kumar was placed during the course of argument, which is taken on record and marked as "A". He further submitted that the case of applicant is even on better footing than the co-accused Anuj Kumar.

6. He further submitted that applicant is a lady and she is not having any criminal history and she is languishing in jail in the present matter since 26.05.2023, therefore, she may be released on bail.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that except suspicion, there is no other evidence against the applicant and on merit, the case of applicant is even on better footing than the co-accused Anuj Kumar.

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

9. Considering the fact that applicant is a lady and except suspicion, there is no other evidence against her on record and co-accused Anuj Kumar has already been released on bail by this Court vide order dated 04.10.2023, in my view, applicant is entitled to be released on bail.

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

11. Let the applicant- Smt. Anita 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.

12. 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.

13. 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 :- 18.10.2023

Zafar