

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42625 of 2023

Applicant :- Gyanti Alias Manti Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Pramod Kumar Pandey

Counsel for Opposite Party :- G.A.,Afroz Ahmad,Saddam Husain

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.191 of 2023 at Police Station-Shyam Deurava, District-Maharajganj under Sections 498A, 304B IPC and Sections 3/4 of the D.P. Act. The applicant is in jail since 13.06.2023.

The bail application of the applicant was rejected by the learned trial court on 12.07.2023.

The following arguments made by Shri Pramod Kumar Pandey, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Afroz Ahmad, learned counsel and Shri Saddam Husain, learned counsel for the informant and Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the mother-in-law of the deceased.
2. The applicant never demanded dowry nor did she harass the victim.
3. The applicant did not interfere in the marital life of the

victim and her husband.

4. The deceased was married to the son of the applicant by her parents against her wishes. She had another love interest.

5. The deceased was depressed on account of the failure of the said relationship to materialize into marriage.

6. On the fateful day, she succumbed to depression and took the extreme step of ending her life. She committed suicide by hanging.

7. The post mortem report opines that the cause of death is asphyxia due to antemortem hanging.

8. Injuries depicted in the post mortem report consistent with hanging are:

(i). The two simple antemortem injuries have no bearing on the cause of death.

(ii). No abnormality was detected in the hyoid bone.

9. The applicant did not abet or instigate the deceased to commit suicide.

10. The prerequisites for attracting the presumption and reversing of the burden of proof are not made out in the facts and circumstances and evidence of the case.

11. The applicant does not have any criminal history apart

from this case.

12. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Gyanti Alias Manti Devi be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 12.10.2023

Ashish Tripathi