**Court No. - 37**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 42693 of 2023

**Applicant :-** Lalita Devi
**Opposite Party :-** State of U.P.
**Counsel for Applicant :-** Srijan Mehrotra,Anil Kumar Mehrotra
**Counsel for Opposite Party :-** G.A.,Arvind Singh

**Hon'ble Ajay Bhanot,J.**

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 150 of 2023 at Police Station-Obra, District-Sonbhadra under Sections 498A, 304B IPC and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 29.07.2023.

The bail application of the applicant was rejected by the learned trial court on 16.08.2023.

The following arguments made by Shri Anil Kumar Mehrotra, learned counsel assisted by Shri Ashwini Patel, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Arvind Singh, learned counsel on behalf of the informant and Ms. Sujata Chaudhary, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is the sister-in-law of the deceased.

2. The applicant never demanded dowry nor did he harass the victim.

3. The applicant did not interfere in the marital life of

the victim and her husband. The applicant is bereaved by the death of her sister-in-law.

4. The deceased was depressed as she failed to conceive even after several years of marriage and despite medical treatment for infertility.

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

6. The postmortem report opines the cause of death as asphyxia due to antemortem hanging.

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

(i). Nature of ligature marks.

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

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

9. The prerequisites for attracting the presumptions under Section 304B IPC are not made out in the facts and circumstances and evidence of the case.

10. Prosecution evidence does not connect the applicant with the offence.

11. The applicant claims congruency in role and seeks parity in relief granted to the co-accused Amar Singh who has been enlarged on bail by this Court by order dated 14.09.2023 passed in Criminal Misc.

12. The applicant does not have any criminal history apart from this case.

13. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of her 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- **Lalita 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 :-** 30.11.2023
Vandit

Digitally signed by :-
VANDIT AGRAWAL
High Court of Judicature at Allahabad