

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43255 of 2023

Applicant :- Pushpam Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhijeet Singh

Counsel for Opposite Party :- G.A.,Manish Kumar,Rishi Kumar

Hon'ble Sameer Jain,J.

1. Heard Sri Abhijeet Singh, learned counsel for the applicant; Sri Manish Kumar, learned counsel for the informant and Sri Amar Nath Vishwakarma, learned Brief Holder for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0361 of 2023, under Sections 306 IPC, Police Station Phase II, District Central Commissionerate Gautam Budh Nagar, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the applicant and seven others and according to the FIR, due to the abetment of the applicant and others, deceased committed suicide.
4. Learned counsel for the applicant submitted that the applicant is sister-in-law of the deceased and totally on the basis of false allegation of abetment, she has been made accused in the present matter.
5. He further submitted that other co-accused persons preferred criminal writ during investigation before this Court and including co-accused Rantosh Kumar Singh and while granting relief to him up to the investigation, the Division Bench of this Court after perusing the suicide note observed in order dated 28.8.2023 (annexure-3) that deceased made allegation only against his wife and this fact suggests that there is no allegation against the applicant in the suicide note.
6. He further submitted that applicant is a lady, she is not having any criminal history and she is in jail in the present matter since 22.9.2023.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that due to the abetment of the applicant and others deceased committed suicide. However, both could not dispute the fact that in the suicide note, deceased did not make any allegation against the applicant and made only allegation against his wife.

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

9. Applicant is the sister of the wife of the deceased and as per allegation due to the abetment of the applicant and her family members, deceased committed suicide but from the perusal of the suicide note of the deceased which was produced by learned AGA during the course of argument, it appears that deceased made allegation only against his wife i.e. the sister of the applicant.

10. Further, from the order passed by the Division Bench of this Court in the writ petition filed by another co-accused dated 28.8.2023 which was been annexed as annexure-3 to the affidavit, it also reflects that the only allegation in the suicide note of the deceased was against the wife of the deceased and it appears that she did not even disclose the name of the applicant in his suicide note.

11. Further, applicant is young and unmarried girl and she is having no criminal history and she is in jail in the present matter since 22.9.2023.

12. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

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

14. Let the applicant-**Pushpam Singh**, 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.

15. 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.

16. 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 :- 26.10.2023

Ankita