

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43176 of 2023

Applicant :- Reena

Opposite Party :- State of U.P.

Counsel for Applicant :- Karunesh Narayan Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 41 of 2023 at Police Station- Bisharatganj, District- Bareilly, under Section 302 IPC. The applicant is in jail since 06.03.2023.

The bail application of the applicant was rejected by the learned trial court on 15.09.2023.

The following arguments made by Shri Abhinav Dwivedi, learned counsel holding brief of Shri Karunesh Narayan Tripathi, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Suchit Tandon, learned AGA from the record, entitle the applicant for grant of bail:

- 1.The applicant is a lady.
2. There is no direct evidence against the applicant.
3. This is a case of circumstantial evidence. The chain of incriminating circumstances against the applicant is not complete.
4. No incriminating article has been recovered from the

applicant.

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

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 claims congruency in role and seeks parity in relief granted to the co-accused Budhsen who has been enlarged on bail by this Court by a detailed order dated 06.09.2023 passed in Criminal Misc. Bail Application No. 36456 of 2023.

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

10. 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-**Reena** 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 :- 18.10.2023

Jaswant