

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43186 of 2023

Applicant :- Smt. Sandhya Pandey Alias Sandhya Dwivedi

Opposite Party :- State of U.P.

Counsel for Applicant :- Madhu Sudan Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Prashant Shukla, Advocate holding brief of Sri Madhu Sudan Dwivedi, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 340 of 2022, under Sections 324, 302, 34, 120B IPC, Police Station Sachendi, District Kanpur Nagar, during pendency of the trial in the court below.
3. FIR of the present case was lodged against one Ram Krishan Vishwakarma and unknown person and according to the FIR some unknown persons have made assault upon the husband of the informant.
4. It is further mentioned in the FIR that informant was having suspicion that nominated accused Ram Krishan Vishwakarma alongwith his unknown associates committed the murder of her husband.
5. Learned counsel for the applicant submitted that initially FIR of the present case was lodged under sections 324, 406 and 506 IPC but after the death of the deceased, case was converted under section 302 IPC.
6. He further submitted that before the death of the deceased neither Investigating Officer could record his statement nor his dying declaration could be recorded either by the doctor or the Magistrate.
7. He further submitted that applicant is a lady and she was not named in the FIR but during investigation she was made accused merely on the basis that she was sister of the informant and it is a case in which during investigation informant of the case herself was made accused.
8. He further submitted that as per prosecution case, informant i.e. wife of the deceased was having illicit relationship with two

persons and when the statement of Manish Singh was recorded during investigation who was alongwith the deceased at the time of incident then he disclosed this fact and thereafter it also revealed that one of the accused also made conversation with the applicant and except this there is no other evidence against the applicant on record and applicant with the aid of section 120B IPC made accused in the present matter.

9. He further submitted that accused persons whose name were disclosed by eye witness Manish Singh have already been released on bail and their bail orders have been appended from annexures 12 to 15 to the affidavit and case of applicant is even on better footing than them.

10. He further submitted that applicant is having no criminal history and she is in jail in the present matter since 15.9.2023.

11. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

13. It appears that the name of the applicant was surfaced during investigation being sister of the informant and it appears that informant herself subsequently made accused in the present matter and except the conspiracy there is no other allegation against the applicant and there is no cogent evidence against the applicant on record even with regard to the conspiracy.

14. Further, applicant is lady and all the other accused persons including wife of deceased i.e. informant of the case had already released on bail and bail orders of the accused persons have been appended alongwith the instant bail application and case of applicant is even at better footing than them.

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

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

17. Let the applicant-**Smt. Sandhya Pandey Alias Sandhya Dwivedi**, 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 her 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 her 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.

18. 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.

19. 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