

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43204 of 2023

Applicant :- Smt. Santosh @ Sumitra

Opposite Party :- State of U.P.

Counsel for Applicant :- Zafar Abbas, Sarve Nazir

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 295 of 2023 at Police Station Thakurdwara District Moradabad under Section 498A, 304B, 328, 323, 34 I.P.C. and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 30.07.2023.

The bail application of the applicant was rejected by the learned trial court on 27.09.2023.

The following arguments made by Shri Rohit Singh, learned counsel holding brief of Shri Zafar Abbas, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Rishi Chaddha, learned AGA 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 tortured the deceased nor did she demand dowry.

3. The applicant never interfered in the marital life of the deceased and her husband.
4. The deceased was a sensitive lady who was depressed on account of failure to conceive a child after marriage. She was undergoing medical treatment for the same but to no avail.
5. On the fateful day, she succumbed to depression and took the extreme step of ending her life. She committed suicide by consuming poison.
6. The postmortem report opines that the cause of death could not be ascertained.
7. No forensic science laboratory report analysing the viscera sample has been produced by the prosecution till date.
8. The applicant did not aid or abet the suicide.
9. Prosecution evidence does not connect the applicant with the offence.
10. The applicant does not have any criminal history apart from the instant case.
11. 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 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 - **Smt. Santosh @ Sumitra** 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