

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43985 of 2023

Applicant :- Sunita Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Vipin Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 119 of 2023 at Police Station-Vindhyachal, District-Mirzapur under Sections 323, 304, 325, 308 I.P.C. The applicant is in jail since 05.08.2023.

The bail application of the applicant was rejected by the learned trial court on 28.09.2023.

The following arguments made by Shri Vipin Kumar Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Shrawan Kumar Dubey, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is the wife of the first informant.
2. The relations between the applicant and her husband are strained.
3. The deceased was 92 years of age and in frail health.
4. The deceased lost his balance and fell to the ground and he sustained serious injuries which caused his death.

5. The applicant was not responsible for the aforesaid injuries. She has been implicated only to leverage the criminal case in the matrimonial dispute.

6. The applicant is not a beneficiary of any illicit transaction.

7. 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- **Sunita 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 :- 16.10.2023

Jaswant