

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47807 of 2023

Applicant :- Smt. Awdhesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Hiralal

Counsel for Opposite Party :- G.A., Somendra Singh

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 502 of 2023 at Police Station-Khair, District- Aligarh under Sections 498-A, 304-B, 323, 504, 506 IPC and Section 3/4 POCSO Act. The applicant is in jail since 08.08.2023.

The bail application of the applicant was rejected by the learned trial court on 20.09.2023.

The following arguments made by Hiralal, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Shiv Sharan Sharma, learned counsel holding brief of Shri Somendra Singh, learned counsel on behalf of the informant and Shri Rishi Chaddha, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is the aunt-in-law of the deceased.
2. The applicant did not torture the deceased or demand dowry.
3. The applicant never interfered in the marital life of the deceased and her husband and infact resided

separately.

4. The role of the applicant is completely distinguishable from the all other offenders in the immediate family of the deceased which includes her husband and in-laws.

5. The applicant does not have any criminal history apart from the instant case.

6. 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- **Smt. Awdhesh** 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 :- 8.11.2023

Jaswant