

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44380 of 2023

Applicant :- Muniya Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Rama Shankar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Rama Shankar Mishra, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release her on bail in Case Crime No.165 of 2023, under Sections 498A and 304B IPC and Section 3/4 Dowry Prohibition Act, Police Station Sadiabad, District Ghazipur during pendency of the trial.
3. FIR of the present case was lodged against the applicant and her family members and according to the FIR, marriage of the son of applicant was performed with the daughter of the informant in the year 2019 and after marriage applicant and her family members tortured her for demand of dowry and on 28.7.2023 applicant and her family members committed her murder by hanging her.
4. Learned counsel for the applicant submits that applicant is the mother-in-law of the deceased and on the basis of false allegation of demand of dowry and torture she has been made accused in the present matter.
5. He further submits that in the FIR there is no specific allegation of demand of dowry and this fact shows that FIR of the present case was lodged on the basis of false facts.
6. He further submits that as per prosecution during investigation suicide note of the deceased was recovered but

from the perusal of the suicide note of the deceased which has been annexed with the instant bail application it could not be reflected that it was a case of dowry death.

7. He further submits that however it appears that deceased was not happy with her marriage.

8. He further submits that bail application of the father-in-law of the deceased has already been allowed by this Court vide order dated 26.10.2023 passed in Criminal Misc.Bail Application No. 44826 of 2023.

9. He further submits that applicant is lady and she is in jail in the present matter since 21.8.2023.

10. Per contra, learned AGA opposed the prayer for bail and submits that applicant is mother-in-law of the deceased and her daughter-in-law died under abnormal circumstances within seven years of her marriage in her matrimonial home.

11. Learned AGA further submits that from the perusal of the suicide note of the deceased (annexure-6) it appears that deceased was having some grudge with the applicant but he fairly conceded that in the suicide note of the deceased there was no allegation of demand of dowry.

12. Learned AGA further could not dispute the fact that bail application of father-in-law of the deceased has already been allowed by this Court.

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

14. However, from the suicide note of the deceased it appears that deceased was having some grudge with the applicant, i.e., her mother-in-law but in the entire suicide note she did not make any allegation of torture against her.

15. Further, the deceased in the entire suicide note also did not

allege whether there was any demand of dowry.

16. Further, post mortem report of the deceased suggests that she died due to hanging and bail application of father-in-law of the deceased has already been allowed by this Court vide order dated 26.10.2023.

17. Further, applicant is lady and she is not having any previous criminal history and in the present matter she is in jail since 21.8.2023.

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

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

18. Let the applicant-**Muniya Devi** 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 him 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.

19. 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.

20. 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 :- 17.11.2023

SKM