

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44927 of 2023

Applicant :- Puspa Rani

Opposite Party :- State of U.P.

Counsel for Applicant :- Rafeek Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Dr. Gautam Chowdhary,J.

1. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. It has been argued by learned counsel for the applicant that that applicant is the mother-in-law of the deceased. The F.I.R. was lodged by the complainant who is brother of the deceased against all the family members of the applicant including husband of the deceased. Learned counsel for the applicant further submits that it is alleged in the F.I.R. that marriage of the deceased was solemnized with the son of the applicant on 12.06.2023 and at the time of marriage sufficient amount of dowry was given along with the motorcycle, golden chain, golden ring and one lakh rupees in cash, but the in-laws of the daughter of complainant were not satisfied with the dowry given at the time of marriage and they used to make demand of three lakh rupees in cash in the form of additional dowry, and on account of non fulfillment thereof the daughter of complainant was being harassed and maltreated. Ultimately on 15.07.2023 in-laws of deceased killed her by assaulting and thereafter hanged her dead body. Learned counsel for the applicant further submits that general allegations for demand of dowry and on account of non fulfillment thereof, causing cruelty to the deceased has been made in the first information report as well as in the statements of complainant and other witnesses against all the named accused persons including the applicant. Neither any demand was made by the in-laws of the deceased including the applicant, nor any complaint was ever made after the marriage or prior to the date of incident. It has further been argued that the deceased was a short tempered lady and on the date of incident on some dispute with her husband she committed suicide by hanging herself. Learned counsel for the applicant further submits that as per the postmortem report of the deceased cause of death is asphyxia due to ante mortem hanging. It

has also been submitted that except one ligature mark of size 25.0 c.m. x 1.5 c.m. all around the neck no other injury was found on the person of the deceased, which shows that deceased had committed suicide by hanging herself. Thus, it is alleged that no offence as alleged has been committed by the applicant. Learned counsel for the applicant further submits that co-accused, Dhan Prasad, who is the husband of the present applicant and father-in-law of the deceased, has already been granted bail by this Court vide order dated 31.10.2023 passed Criminal Misc. Bail Application No. 44670 of 2023 and the case of applicant is on the same footing than that of the co-accused, Dhan Prasad, as general allegations have been made in the F.I.R. and in the statements of complainant and other witnesses against all the family members and no specific allegation has been made against the applicant. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that she is ready to cooperate with the process of law and shall faithfully make herself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that applicant is languishing in jail since 15.07.2023, having no criminal history.

3. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activities and will misuse the liberty of bail.

4. After perusing the record in the light of the submissions made at the bar and after taking an overall view of all the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

5. Let the applicant-**Puspa Rani**, involved in Case Crime No. 103 of 2023, under Sections 498-A, 304-B I.P.C., and Section 3/4 of Dowry Prohibition Act, Police Station Panvari, District Mahoba, be enlarged on bail on furnishing a personal bond and two heavy local sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 82 Cr.P.C., may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 174-A I.P.C.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her in accordance with law and the trial court may proceed against him under Section 229-A IPC.

6. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

7. The bail application is **allowed**.

Order Date :- 1.11.2023

Mustaqeem./ S.Ali.