

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45402 of 2023

Applicant :- Smt Devki

Opposite Party :- State of U.P.

Counsel for Applicant :- Raghav Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Raghav Dwivedi, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, 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.135 of 2023, under Sections 498A and 304B IPC and Section 3/4 Dowry Prohibition Act, Police Station Jaria, District Hamirpur during pendency of the trial.
3. FIR of the present case was lodged against the applicant and her family members including her husband and according to the FIR, marriage of the son of applicant was performed with the daughter of the informant on 5.6.2021 and after marriage applicant and her family members tortured the deceased for want of a gold chain, a buffalo and Rs. Two Lacs and due to non-fulfilment of demand of dowry they have committed the murder of his daughter by administering some poisonous substances.
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 on the basis of general and omnibus allegation applicant has been roped in the present matter.

6. He further submits that applicant is residing separately along with her husband, i.e, father-in-law of the deceased and this fact is evident from the ration card which has been annexed as Annexure-11 to the affidavit filed in support of the present bail application.

7. He further submits that some dispute arose between husband and wife and thereafter wife consumed some poisonous substances and died.

8. He further submits that bail application of co-accused Pratap Singh, father-in-law of the deceased, has already been allowed by Coordinate Bench of this Court vide order dated 28.8.2023 passed in Criminal Misc.Bail Application No. 37705 of 2023.

9. He further submits that applicant is a lady and is not having any previous criminal history and in the present matter she is in jail since 5.6.2023.

10. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.

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

12. Considering the fact that applicant is the mother-in-law of the deceased and there is no specific allegation against her and from the ration card it appears that she was residing separately and the father-in-law of the deceased has already been released on bail, in my view, applicant is also entitled to be released on bail.

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

14. Let the applicant-**Smt. Devki** 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.

15. 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.

16. 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 :- 28.10.2023
SKM