

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45912 of 2023

Applicant :- Maya Ram And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Sushma Yadav, Hirdesh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. However, from the previous order dated 31.10.2023 it appears that on the request of Sri Anurodh Tripathi, learned Advocate the case was passed over on the ground that he does not receive instruction on behalf of the informant and even could not file power on his behalf but today none appeared on behalf of the informant.

2. Supplementary affidavit filed today on behalf of the applicant is taken on record.

3. Heard Sri Hirdesh Kumar Yadav, learned counsel for the applicant and Sri Ajeet Madhesiya, learned Brief Holder, for the State.

4. The instant bail application has been filed on behalf of the applicants with the prayer to release them on bail in Case Crime No.76 of 2023, under Sections 498A and 304B IPC and Section 3/4 Dowry Prohibition Act, Police Station Myorpur, District sonbhadra during pendency of the trial.

5. FIR of the present case was lodged on 27.7.2023 against the applicants and husband of the deceased through application under Section 156(3) Cr.P.C. dated 4.4.2023 and according to the FIR, marriage of the deceased was performed on 4.5.2021 with co-accused Raj Kumar and after marriage applicants and husband of

the deceased started torturing her for Rs One Lac and on 8.3.2023 informant received information about the death of her daughter, i.e., deceased.

6. Learned counsel for the applicant submits that although deceased died on 8.3.2023 but application under Section 156(3) Cr.P.C. was moved on 4.4.2023, i.e., after about one month and this fact clearly suggests that after about a month, a false story of torture and demand of dowry has been cooked up by the informant.

7. He further submits that applicants are 'Jeth' and 'Jethani' of the deceased and only general allegation has been levelled against them.

8. He further submits that deceased was having some dispute with her husband and only due to this reason she committed suicide by hanging herself.

9. He further submits that the post mortem report of the deceased also suggests that she died due to hanging.

10. He further submits that applicants are not having any previous criminal history and in the present matter they are in jail since 23.8.2023.

11. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicants are 'Jeth' and 'Jethani' and no specific allegation has been made against them and deceased died due to asphyxia as a result of hanging.

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

13. Considering the fact that applicants are 'Jeth' and 'Jethani' of the deceased and there is no specific allegation against them and deceased died due to asphyxia as a result of hanging, in my view, applicant is entitled to be released on bail.

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

15. Let the applicants-**Maya Ram** and **Pramila** 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 applicants shall appear before the trial court on the dates fixed, unless their personal presence is exempted.

(ii) The applicants shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicants shall not indulge in any criminal and anti-social activity.

16. 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.

17. 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 :- 7.11.2023/SKM