

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45800 of 2023

Applicant :- Mithlesh Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Satya Dheer Singh Jadaun, Ashish Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Ashish Mishra, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 247 of 2023, under Sections 498A, 304B IPC and 3/4 D.P. Act, Police Station Jhinhana, District Shamli, during pendency of the trial in the court below.
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 the applicant was performed with the daughter of the informant on 30.11.2019 and after marriage applicant and her family members tortured her for Rs. Ten lacs and on 23.6.2023 applicant and her family members committed the murder of the deceased for want of dowry.
4. Learned counsel for the applicant submitted that applicant is 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 submitted that actually deceased resided separately alongwith her husband and this fact is even evident from the parcha no. 16 of the case diary dated 29.8.2023 which has been annexed as annexure-10 to the affidavit.
6. He further submitted that it appears that some dispute arose between husband and wife and thereafter his wife i.e. deceased committed suicide.
7. He further submitted that although as per post mortem report of the deceased, there was ligature mark on her neck but according to the autopsy surgeon her cause of death could not be ascertained and viscera was preserved.

8. He further submitted that bail application of father in law of the deceased has been allowed by the co-ordinate Bench of this Court vide order dated 30.10.2023 passed in Crl. Misc. Bail Application No. 45758 of 2023.

9. He further submitted that case of applicant, being mother in law of the deceased, is even on better footing than the case of father-in-law of the deceased.

10. He further submitted that applicant is having no criminal history and she is in jail in the present matter since 3.8.2023.

11. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is mother-in-law of the deceased and there is no specific allegation against her and father-in-law of the deceased has already been released on bail by the co-ordinate Bench of this Court.

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

13. Considering the fact that applicant is mother-in-law of the deceased and there is no specific allegation against her and father-in-law of the deceased has already been released on bail, in my view, applicant is also 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 applicant-**Mithlesh 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 her 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.

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 :- 31.10.2023

Ankita