

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45838 of 2023

Applicant :- Saroj Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Janmed Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Janmed Kumar, learned counsel for the applicant and Sri Amar Nath Vishwakarma, learned Brief Holder for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0604 of 2023, under Sections 306 IPC, Police Station Shikohabad, District Firozabad, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the unknown person under section 363 IPC and according to the FIR on 3.8.2023, daughter of the informant aged about 17 years had gone from her house for taking some articles from the shop but did not return.
4. Learned counsel for the applicant submitted that initially FIR of the present case was lodged against unknown person under section 363 IPC but on 5.8.2023 when dead body of the daughter of the informant was recovered from Etawah from a canal thereafter the case was converted under section 306 IPC.
5. He further submitted that during investigation it is alleged that one suicide note of the deceased was recovered from her house in which she stated that as due to the instigation of the wife of one Mukesh she developed relationship with one boy of the village and thereafter she was defamed by the villagers and but she is going to commit suicide and as applicant is wife of Mukesh, therefore, merely on the basis of suicide note of the deceased, it cannot be said that due to the abetment of the applicant, deceased committed suicide.
6. He further submitted that applicant is the lady and she is in jail in the present matter since 18.9.2023.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned

counsel for the applicant.

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

9. From the perusal of the record, it reflects that on the basis of suicide note of the deceased applicant has been made accused in the present matter and from perusal of the suicide note of the deceased which has been annexed alongwith the instant bail application, it appears that although on the instigation of the applicant deceased developed relationship with one boy of the village but from the suicide note, it could not be reflected that due to the abetment of the applicant, she committed suicide.

10. Further, applicant is the lady and she is in jail in the present matter since 18.9.2023.

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

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

13. Let the applicant- **Saroj 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.

14. 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.

15. 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