

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46230 of 2023

Applicant :- Smt. Sunita Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhilendra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.269 of 2023 at Police Station-Rasoolpur, District-Firozabad under Sections 498A, 304B IPC and Section 3/4 of the Dowry Prohibition Act. The applicant is in jail since 03.05.2023.

The bail application of the applicant was rejected the learned trial court on 27.09.2023.

The following arguments made by Shri Yadvendra, learned counsel holding brief of Shri Akhilendra Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Prabhakar Pal, learned counsel for the informant and Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the mother-in-law of the deceased.
2. The applicant never demanded dowry or tortured the deceased. She did not interfere in the matrimonial life of the deceased and her husband.

3. The deceased was a sensitive lady, who was depressed on account of prolonged separation from her husband. The husband of the deceased resided at Jaipur where he worked for a living.

4. On the fateful day, when the husband of the deceased could not come home to celebrate the marriage anniversary of theirs, she succumbed to her depression and took the extreme step of ending her life. She committed suicide by hanging. A door had to be broken into to retrieve her body.

5. The postmortem report opines the cause of death as asphyxia due to antemortem hanging.

6. Injuries depicted in the postmortem report consistent with hanging are :

(i) Nature of ligature mark.

(ii). Hyoid bone was found to be intact.

7. The applicant did not aid or abet the suicide.

8. The prerequisites for attracting the presumption and reversing the burden of proof are not established in the facts and circumstances and evidence of the case.

9. The applicant has explained his criminal history. It is contended that the applicant is a convenient scapegoat for the police authorities who have falsely nominated him in

another case only to show the proficiency of the police investigators. The said case has no bearing on the instant bail application.

10. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Smt. Sunita Devi be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 1.11.2023
Ashish Tripathi