

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46002 of 2023

Applicant :- Lavkush And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Zafar Abbas, Sarve Nazir

Counsel for Opposite Party :- G.A., Mukesh Joshi

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicants have prayed to be enlarged on bail in Case Crime No. 373 of 2023 at Police Station- Thakurdwara, District- Moradabad under Sections 498A, 323, 304B IPC and Section 3/4 of D.P. Act. The applicants are in jail since 27.09.2023.

The bail application of the applicants was rejected by the learned trial court on 12.10.2023.

The following arguments made by Shri Sarve Nazir, learned counsel assisted by Sri Rahul Dev, learned counsel on behalf of the applicants, which could not be satisfactorily refuted by Shri Chandan Agarwal, learned AGA and Sri Mukesh Joshi, learned counsel for the informant from the record, entitle the applicant for grant of bail:

1. The applicant no. 1 is father in law of the deceased and the applicant no. 2 is the mother in law of the deceased.
2. The applicants never harassed the deceased nor did they ever demand dowry.
3. The applicants never interfered in the marital life of the

deceased.

4. The applicants resided separately from their son and deceased daughter in law.

5. The postmortem report opines that cause of death could not be ascertained.

6. The viscera report has not been produced.

7. The husband of the deceased rushed her to the hospital when she complained of physical discomfort.

8. The applicants do not have any criminal history apart from this case.

9. The applicants are not a flight risk. The applicants 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 applicants- Lavkush and Smt. Maheshvari 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 applicants will not tamper with the evidence or

influence any witness during the trial.

(ii) The applicants will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 7.11.2023

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