

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46315 of 2023

Applicant :- Kusum Alias Preeti

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicants have prayed to be enlarged on bail in Case Case No. 225 of 2023 at Police Station- Nandgram, District- Ghaziabad under Sections 498-A, 323, 304-B, IPC and Section 3/4 Dowry Prohibition Act. The applicant is in jail since 19.07.2023.

The bail application of the applicant was rejected by learned trial court on 11.10.2023.

The following arguments made by Shri Santosh Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Sri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

(1) The applicant is mother-in-law of the deceased.

(2) The applicant never harassed the deceased nor did she demand any dowry.

(3) The applicant never interfered in the marital life of the deceased.

(4) On the fateful day, the victim complained of physical discomfort. She was rushed to the hospital by her husband where she died during treatment.

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

(6) The viscera has been preserved but no viscera report has been produced till date.

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

(8) The applicant does not have any criminal history apart from this case.

(9) The applicant claims congruency in role and seeks parity in relief granted to the co-accused, namely, Narendra Sharma, who has been granted bail by this Court on 01.11.2023 in Criminal Misc. Bail Application No.46104 of 2023.

(10) The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join in the trial 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- Kusum Alias Preeti 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 :- 2.11.2023

Ashish Tripathi