

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46081 of 2023

Applicant :- Bahidun Nisha

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Dwivedi, Sunil Kumar Pandey

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. 33 of 2023 at Police Station-Bijpur, District-Sonbhadra under Sections 498A, 304B I.P.C. and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 29.03.2023.

The bail application of the applicant was rejected by the learned trial court on 13.07.2023.

The following arguments made by Shri Pankaj Dwivedi, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Chandan Agrawal, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant is the mother-in-law of the deceased.
2. The applicant did not torture the deceased or demand dowry.
3. The applicant never interfered in the marital life of the deceased and her husband.
4. The deceased slipped in and fell in the Well which was

close to the house of the applicant.

5. The dead body of the deceased was pulled out from the Well and some injuries were inflicted on the body in the process.

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

7. The applicant is a lady and on this account, the case of the applicant is distinguishable from the other co-accused persons.

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

9. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of their 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- **Bahidun Nisha** 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

Jaswant