

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46035 of 2023

Applicant :- Smt. Tehseena

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Pratap Singh

Counsel for Opposite Party :- G.A., Mazhar Abbas Zaidi, Sunil Kumar Yadav

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Vijay Pratap Singh, learned counsel for the applicant, Sri Ankit Tiwari, Advocate holding brief of Sri Snail Kumar Yadav, learned counsel for the informant and Sri Imran Khan, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 263 of 2023, under Sections 498A, 304B, 323 IPC and Section 3/4 D.P. Act, Police Station Ecotech-III, District Gautam Budh Nagar during pendency of the trial.
4. FIR of the present case was lodged against the applicant and her family members and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant on 28.04.2023 and after marriage applicant and her family members tortured her for demand of dowry and on 05.07.2023 they have committed her murder by hanged her.
5. Learned counsel for the applicant submitted that applicant is mother-in-law of the deceased and on the basis of false allegation of demand of dowry and torture, she has been made accused in the present matter. He further submits that there is no specific allegation against the applicant and she resided separately along with her husband i.e. father-in-law of the deceased in district Bijnor while deceased used to reside with her husband in Greater Noida.

6. He further submits that it appears that some dispute arose between husband and wife and thereafter wife hanged herself. He further submits that post mortem report of the deceased suggests that she died due to hanging. He further submits that applicant is lady and she is not having any criminal history and in the present matter she is in jail since 07.07.2023.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that daughter-in-law of the applicant died within two months of her marriage under abnormal circumstances and there is also allegation of demand of dowry but both the counsels could not dispute the fact that applicant is mother-in-law of the deceased and no specific allegation has been levelled against her and post mortem report of the deceased suggests that she died due to hanging. Both the counsels further could not dispute the fact that from the perusal of voter I.D. and Aadhar card it appears that applicant resides separately along with her husband in district Bijnor.

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

9. Considering the fact that applicant is mother-in-law of the deceased and no specific allegation has been levelled against her and she resided separately along with her husband in district Binjor and post mortem report suggests that deceased died due to hanging, in my view, applicant is entitled to be released on bail.

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

11. Let the applicant - **Smt. Tehseena** 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 his 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 him 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.

12. 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.

13. 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 :- 1.11.2023

AK Pandey