

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46716 of 2023

Applicant :- Nattho Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Virendra Kumar Sonkar, Ravi Shankar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Ravi Shankar Tripathi, learned counsel for the applicant and Sri Santosh Nigam, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 375 of 2023, under Sections 304-B, 498-A, 323 IPC and 3/4 D.P. Act, Police Station Civil Lines, District Budaun, during pendency of the trial in the court below.
3. 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 deceased on 9.5.2022 and after marriage applicant and her family members tortured the deceased for a motorcycle and due to non-fulfillment of the demand of dowry on 17.7.2023 they have committed her murder by strangulating her.
4. Learned counsel for the applicant submitted that applicant is mother in law of the deceased and entire allegation of demand of dowry and torture made against her is totally false and during post mortem cause of death of the deceased could not be ascertained and viscera was preserved but now viscera report is on record and according to it, she died due to consumption of insecticide.
5. He further submitted that it appears that some dispute arose between husband and wife and thereafter she committed suicide by consuming insecticide and being mother in law of the deceased, applicant has been made accused in the present case.
6. He further submitted that applicant is a lady, she is having no

criminal history and she is in jail in the present matter since 26.8.2023.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that there is no specific allegation against the applicant and she is mother in law of the deceased and according to the viscera report, deceased died due to consumption of insecticide.

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 and no specific allegation has been made against her and deceased died due to consumption of insecticide, 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-**Nattho Devi**, 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 :- 2.11.2023

Ankita