

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47198 of 2023

Applicant :- Smt. Nanhi Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Sri Statyendra Vishwakarma, Advocate filed power on behalf of the informant which is taken on record.
2. Heard Sri Bheeshm Pal Singh, Advocate holding brief of Sri Prashant Shukla, learned counsel for the applicant, Sri Statyendra Vishwakarma, learned counsel for the informant and Sri Manoj Kumar Singh, learned Brief Holder for the State.
3. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 0180 of 2023 under sections 498-A, 304-B, 323, 504 IPC and 3/4 D.P. Act, Police Station Allau, District Mainpuri.
4. FIR of the present case was lodged against the applicant and her family members and according to the FIR, marriage of son of the applicant was performed with daughter of the informant on 09.11.2020 and after marriage, applicant and her family members tortured her for dowry. It is further mentioned in the FIR that due to demand of dowry, applicant and her family members committed murder of daughter of the informant by hanging her.
5. Learned counsel for the applicant further submits that on the basis of vague allegations of demand of dowry, FIR of the present case was lodged against the applicant and others. He further submits that applicant is mother-in-law of the deceased and she neither demanded any dowry nor she ever tortured the deceased in any manner.
6. It is further submitted that actually husband of the deceased was doing a private job in Delhi and the deceased wanted to live with him but when her desire remained unfulfilled, she committed suicide by hanging herself.
7. It is further submitted that postmortem report of the deceased also suggests that deceased died due to hanging and there is no specific allegation against the applicant who is in jail since 02.9.2023.
8. *Per contra*, learned A.G.A. as well as learned counsel for the informant opposed

the prayer for bail but they could not dispute the fact that applicant is mother-in-law of the deceased and there is no specific allegation against her and postmortem report of the deceased also suggests that the deceased died due to hanging.

9. I have heard the parties and perused the record of the case.

10. Considering the facts that applicant is mother-in-law of the deceased and there is no specific allegation against her and postmortem report shows she died due to hanging, in my view, the applicant is entitled to be enlarged on bail.

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

12. Let the applicant **Smt. Nanhi 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.

13. In case of breach of any of the above conditions, the prosecution will be at liberty to move an application before this Court for cancellation of bail of the applicant.

14. 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 :- 6.11.2023/Madhurima