

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46537 of 2023

Applicant :- Vimla Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Vashistha

Counsel for Opposite Party :- G.A., Ram Badan Maurya

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 174 of 2023 at Police Station Barnahal, District Mainpuri under Section 498A, 304B I.P.C. and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 13.09.2023.

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

The following arguments made by Shri Ajay Kumar Vashistha, learned counsel assisted by Shri Ankit Tiwari, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Ram Badan Maurya, learned counsel for the informant and Shri Shrawan Kumar Dubey, 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. The applicant is bereaved by the death of her daughter-in-law.
4. The deceased was a temperamental lady who was prone to extreme reactions even over trivial issues.
5. On the fateful day, after a minor disagreement over dates of visit to her parental house, the deceased flew into a fit of rage and took the extreme step of ending her life. She committed suicide by hanging.
6. On the fateful day, the deceased succumbed to depression and took the extreme step of ending her life. She committed suicide by hanging.
7. The postmortem report opines the cause of death as asphyxia due to antemortem hanging.
8. Injuries depicted in the postmortem report consistent with hanging are:
 - (i) Nature of ligature mark.
 - (ii). The hyoid bone was intact.
9. The applicant did not aid or abet the suicide.
10. 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.
11. Prosecution evidence does not connect the applicant with the offence.

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

13. 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 her 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- **Vimla Devi** 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

Dhananjai