

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46668 of 2023

Applicant :- Smt Meera Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Viveka Nand Rai

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Viveka Nand Rai, 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. 535 of 2023, under Sections 306, 436 IPC, Police Station Sikandara, District Agra, 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 applicant was performed with the deceased and after marriage, she used to create scenes and due her torture, the son of the informant i.e. husband of the applicant committed suicide by coming in front of the train.
4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and even if the allegations are accepted then also it cannot be said that due to abetment of the applicant who is wife of the deceased, her husband i.e. deceased committed suicide.
5. He further submitted that due to the torture and bad conduct of the informant of the case, applicant lodged an FIR on 26.6.2023 i.e. a month before against the informant and his two sons and thereafter they started harassing the applicant and her husband and actually due to harassment and torture of them, deceased i.e. husband of the applicant committed suicide, copy of the FIR dated 26.6.2023 is annexed as annexure-2 to the affidavit.
6. He further submitted that applicant is lady, she is having no criminal history and she is in jail in the present matter since 28.9.2023.
7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.
9. As per allegation due to the bad conduct of the applicant who is wife of the deceased her husband committed suicide but I find forced in the argument advanced by learned counsel for the applicant that even from the allegations, the abetment of the applicant is not reflected.
10. Further, before the incident about one month before a FIR was lodged by the applicant against the informant of the case i.e. her father in law and therefore, defence taken by the applicant that due to the harassment of the informant, his son i.e. husband of the applicant committed suicide cannot be completely ruled out, at this stage.
11. Further, applicant is lady, she is having no criminal history and she is in jail in the present matter since 28.9.2023.
12. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.
13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.
14. Let the applicant-Smt. Meera 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 her 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 her 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.
15. 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.
16. 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