

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46995 of 2023

Applicant :- Pramila Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Gaurav Kumar Singh

Counsel for Opposite Party :- G.A.,Sandeep Kumar Pathak

Hon'ble Sameer Jain,J.

1. None appeared on behalf of the informant even in the revised call. However, learned AGA, for the State, is present.
2. Heard Sri Gaurav Kumar Singh, learned counsel for the applicant and Sri Jhamman Ram, learned AGA-I, for the State.
3. The instant bail application has been filed on behalf of the applicant with the prayer to release her on bail in Case Crime No.118 of 2023, under Sections 323,504, 506, 308 and 304 IPC, Police Station Barsathi, District Jaunpur during pendency of the trial.
4. FIR of the present case was lodged on 30.7.2023 against the applicant and two others under Sections 323,504,506, 308 and 304 IPC and according to the FIR, on 29.7.2023 at about 5.00 PM in the evening applicant along with her husband and son due to previous enmity of land made assault upon the informant, his son and wife through wooden sticks and due to assault made by them they sustained injuries and subsequently the son of the informant succumbed to his injuries.
5. Learned counsel for the applicant submits that applicant is lady and on the basis of false allegation she has been made accused in the present matter.
6. He further submits that actually some dispute with regard to a land is pending between both the sides and only due to this

enmity applicant along with her husband and son has been made accused in the present matter on the basis of general and omnibus allegations.

7. He further submits that however as per allegation applicant and two others made assault upon the deceased due to which he sustained injuries and died but the post mortem report of the deceased suggests that he sustained single contusion on his head and he died due to hemorrhage shock and coma as a result of anti mortem head injury and there is no evidence on record which can show that applicant caused head injury to the deceased.

8. He further submits that as per allegation, in the incident informant and his son also sustained injuries and from the perusal of the medical report of the informant it appears that he however sustained as many as nine injuries but none of the injuries was fatal or dangerous to life.

9. He further submits that applicant is not having any previous criminal history and in the present matter she is in jail since 4.8.2023.

10. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is lady and no specific role has been attributed to her.

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

12. However, from the record it reflects that in the incident three persons sustained injuries and subsequently one person died but from the perusal of the post mortem report of the deceased it appears that he died due to hemorrhage and coma of head injury and there is no evidence on record who caused

this injury.

13. Further applicant is lady and on the basis of general and omnibus allegation she has been made accused in the present matter along with her husband and son and previous enmity between both the sides are admitted.

14. Further, however, the informant and his son also alleged to have sustained injuries in the incident but from the perusal of the injury report of both the injured it appears that they did not sustain any injury which could be categorized as dangerous to life.

15. Further, applicant is not having any previous criminal history and in the present matter she is in jail since August, 2023.

16. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

18. Let the applicant-**Pramila 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 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.

19. 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.

20. 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 :- 20.11.2023

SKM