

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46554 of 2023

Applicant :- Smt. Sunita

Opposite Party :- State Of U.P. Through Its Secretary (Home)

Counsel for Applicant :- Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Pradeep Kumar Singh, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 631 of 2023, under Sections 498A, 323, 304B IPC and Section 3/4 D.P. Act, Police Station Auraiya, District Auraiya during pendency of the trial.
3. FIR of the present case was lodged against applicant and her family members and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant on 28.12.2022 and after marriage applicant and her family members tortured her for money for purchasing a car and on 28.06.2023 informant received an information that applicant and other family members committed the murder of his daughter.
4. Learned counsel for the applicant submitted that although information of the death of his daughter has been received by the informant on 28.06.2023 but in spite of that when he moved an application to police on 29.06.2023 i.e. next day of the information then in this application he did not make any allegation of demand of dowry and torture and application dated 29.06.2023 has been annexed as Annexure-1 to the affidavit and this fact completely belies the allegation of demand of dowry.
5. He further submits that although from the perusal of the post mortem report of the deceased, it appears that it is a case of homicidal death and deceased sustained several injuries and according to the doctor she died due to smothering but applicant is mother-in-law of the deceased and it appears that her son i.e. husband of the deceased committed the murder of his wife and

from the record, it also reflects that son of the applicant was having love affair with younger sister of the deceased whose marriage was also solemnized in the same house with the younger brother of the husband of the deceased i.e. younger son of the applicant.

6. He further submits that applicant is a lady and in the present matter she is in jail since 02.07.2023.

7. Per contra, learned AGA opposed the prayer for bail and submitted that daughter-in-law of the applicant died within six months of her marriage in her matrimonial home under abnormal circumstances and post mortem report suggests that deceased sustained as many as five injuries and she died due to smothering, therefore, it is a case of homicidal death and no cogent explanation has been given by the applicant i.e. mother-in-law of the deceased with regard to homicidal death of her daughter-in-law, therefore, applicant is not entitled to be released on bail.

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

9. However, applicant is mother-in-law of the deceased but her daughter-in-law was murdered in her matrimonial home within six months of her marriage and post mortem report suggests that deceased sustained several injuries on her body and as per doctor she died due to smothering.

10. Further, applicant is mother-in-law of the deceased, who resided in the same house but she failed to provide any cogent reason for murder of his daughter-in-law.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant not is entitled to be released on bail.

12. Accordingly, the instant bail application is rejected.

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

AK Pandey