

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47055 of 2023

Applicant :- Pushpa

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhilesh Kumar Mishra, Siddharth Saran

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Siddharth Saran, learned counsel for the applicant and Sri Jhamman Ram, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 333 of 2023, under Sections 498A, 304B, 34 IPC & 3/4 D.P. Act, Police Station Kavi Nagar, District Ghaziabad, 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 son of the applicant was performed with the daughter of the informant on 20.1.2023 and after marriage, applicant and her family members tortured her for additional dowry of Rs. Five lacs and Wagon-R car and on 21.4.2023 informant received a call that his daughter has fallen and when he arrived at her matrimonial home then found that she has been murdered.
4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and she has been made accused in the present matter only due to the reason that she was mother in law of the deceased.
5. He further submitted that applicant is a disabled lady having very low vision and this fact is evident from her visibility certificate which has been annexed as annexure-8 to the affidavit.
6. He further submitted that actually husband of the deceased resided in Delhi as he is in defence services and deceased always insisted to live with him but when he shown his inability to take her to Delhi then within three months of her marriage, she committed suicide by hanging herself.
7. He further submitted that post mortem of the deceased also

suggests that she died due to hanging.

8. He further submitted that no specific allegation has been levelled against the applicant.

9. He further submitted that applicant is a lady and she is having no criminal history and she is in jail in the present matter since 14.8.2023.

10. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is mother in law of the deceased and she is having low vision and in this regard a disability certificate of the applicant has also been annexed alongwith the instant bail application.

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

12. Considering the fact that applicant is mother in law of the deceased and according to the autopsy report, deceased died due to hanging and applicant is also having a very low vision and no specific allegation has been levelled against her, 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-**Pushpa** 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 :- 6.11.2023

Ankita