

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47519 of 2023

Applicant :- Jaibunnisha

Opposite Party :- State of U.P.

Counsel for Applicant :- Pradeep Kumar,Piyush Patel

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Pradeep Kumar, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 158 of 2023, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Kolhui, District-Maharajganj during pendency of the trial in the court below.

3. FIR of the present case was lodged against applicant and her family members and according to the FIR, marriage of the daughter of the informant was performed with the son of the applicant on 06.01.2020 and after marriage, applicant and her family members tortured her for additional demand of a motorcycle and on 18.07.2023, they have committed her murder by strangulating her.

4. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and applicant is the mother-in-law of the deceased and only being mother-in-law, she has been made accused in the present matter.

5. He further submitted that actually deceased has been brought up by her parents in Bombay but her marriage was performed with the son of the applicant, who resided in village and only due to this reason, she committed suicide as she did not want to live in village. He further submitted that post-mortem report of the deceased also suggests that she died due to hanging.

6. He further submitted that immediately after the incident, applicant i.e. mother-in-law of the deceased informed the police and on her information, police arrived and *panchayatnama* was conducted and this fact is evident from *panchayatnama*, which has

been annexed along with the instant bail application.

7. He further submitted that applicant is lady and she is not having any criminal history and she is in jail since 01.09.2023.

8. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

10. Considering the fact that applicant is the mother-in-law of the deceased and there is no specific allegation against her and on her information, *panchayatnama* was conducted and post-mortem report of the deceased suggest that she died due to hanging, in my view applicant is entitled to be released on bail.

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

12. Let the applicant- **Jaibunnisha** 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 his 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.

13. 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.

14. 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 :- 7.11.2023 / KK Patel