

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47744 of 2023

Applicant :- Gyanmati

Opposite Party :- State of U.P.

Counsel for Applicant :- Renu Sharma

Counsel for Opposite Party :- G.A.,Amit Kumar Singh

Hon'ble Sameer Jain,J.

1. Shri Amit Kumar Singh, Advocate has filed his power on behalf of the informant in Court today, which is taken on record.
2. Heard Ms. Renu Sharma, learned counsel for the applicant, Shri Rajeev Dhar Dwivedi, learned AGA for the State-respondent and Shri Amit Kumar Singh, learned counsel for the informant.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.340 of 2023, under Sections 498-A, 304-B IPC & Section 3/4 D.P. Act, Police Station Dhanghata, District Sant Kabir Nagar, during pendency of the trial in the court below.
4. FIR of the present case was lodged on 07.06.2023 against applicant and her family members and according to the F.I.R., marriage of the son of the applicant was performed with the daughter of the informant on 15.12.2022 and after solemnization of the marriage, applicant and her family members started torturing her for a motorcycle and Rs.50,000/- and on 02.06.2023 for want of dowry, they have committed the murder of the daughter of the informant.
5. Learned counsel for the applicant submits that applicant is mother-in-law of the deceased and on the basis of false allegation

of demand of dowry and torture, she has been made accused in the present matter alongwith her family members.

6. She further submits that deceased died on 02.06.2023 but in spite of that F.I.R. of the present case was lodged on 07.06.2023 i.e. after five days and it clearly suggests that after five days, a false story has been cooked up by the informant to implicate the applicant and her family members in the present matter.

7. She further submits that from perusal of the post-mortem report of the deceased, it appears that she died due to hanging and this fact shows that she committed suicide.

8. She next submits that some dispute arose between husband and wife and thereafter deceased i.e. daughter-in-law of the applicant committed suicide by hanging herself.

9. She next submits that applicant is a lady and on the basis of general allegation, she has been made accused in the present matter.

10. She next submits that applicant is not having any criminal history and she is in jail in the present matter since 12.07.2023, therefore, he may be released on bail.

11. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submits that daughter-in-law of the applicant died within six months of her marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry.

12. They further pointed out that from the statement of the doctor, who conducted the post-mortem of the deceased, recorded during

investigation stated that at the time of death deceased was pregnant.

13. They further pointed out that from perusal of the post-mortem report, it reflects that her hyoid bone was found fractured and therefore, it appears to be a case of homicidal death and therefore, considering the fact, applicant should not be released on bail.

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

15. From perusal of the record, it reflects that applicant is mother-in-law of the deceased and her daughter-in-law died within six months of her marriage in her matrimonial home under abnormal circumstances and there is specific demand of a motorcycle and Rs.50,000/-.

16. Further, post-mortem report of the deceased suggests that she died due to ante-mortem hanging but post-mortem report further suggests that her hyoid bone was found fractured, therefore, the argument advanced by learned A.G.A. and learned counsel for the informant that it appears to be a case of homicidal death cannot be completely ruled out at this stage.

17. Further, from the statement of the doctor, which was recorded during investigation, it appears that at the time of death deceased was pregnant.

18. Further, applicant failed to bring any reason of abnormal death of her daughter-in-law.

19. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant, who is mother-in-law of

the deceased, is not entitled to be enlarged on bail.

20. Accordingly, without expressing any opinion on the merits of the case, the instant bail application filed by applicant-**Gyanmati** is **rejected**.

21. 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 :- 23.11.2023

Zafar