

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48609 of 2023

Applicant :- Savitri

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishek Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Shri Abhishek Gupta, learned counsel for the applicant and Shri 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.137 of 2023, under Sections 498-A, 304-B IPC & Section 3/4 D.P. Act, Police Station Sector-63, District Gautam Budh Nagar, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 25.03.2023 against applicant and her family members and according to the F.I.R., marriage of the son of the applicant was performed with the sister of the informant on 28.11.2019 and after solemnization of the marriage, applicant and her family members started torturing her for dowry and on 20.02.2023 information was received by the informant that his sister hang herself and when he arrived at the house of the applicant then found that his sister had died.

4. 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.

5. He further submits that deceased died on 20.02.2023 but in spite of that F.I.R. of the present case was lodged on 25.03.2023 i.e. after more than a month and this inordinate delay clearly suggests that entire allegation made against the applicant is totally false and baseless.

6. He further submits that even as per the prosecution, it appears that applicant, who is mother-in-law of the deceased, is residing separately.

7. He 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.

8. He next submits that even post-mortem report of the deceased suggests that she died due to hanging

9. He 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 26.03.2023, therefore, she may be released on bail.

11. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that deceased died due to ante-mortem hanging and F.I.R. of the present case was lodged after more than a month.

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

13. Considering the fact that applicant is mother-in-law of the deceased and on the basis of general allegation, she has been made accused in the present matter and F.I.R. of the present case was lodged after more than a month and post-mortem report of the deceased suggests that she died due to hanging, in my view, applicant is entitled to be enlarged on bail.

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

15. Let the applicant-**Savitri**, 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.

16. 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.

17. 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