

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48086 of 2023

Applicant :- Saroj Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Santosh Singh, learned counsel for the applicant and Sri Santosh Kumar, learned AGA for the State.

2. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 40 of 2023 under sections 302, 504 IPC, Police Station Bargarh, District Chitrakoot.

3. FIR of the present case was lodged against the applicant and two others and according to the FIR, on 01.5.2023 at about 9:00 p.m. at the night, applicant and other co-accused persons dragged the nephew of the informant from his door and thereafter, applicant and co-accused Samarjeet caught hold him and co-accused Dharamraj inflicted *hasiya* (a sharp edged weapon) injury on the neck of nephew of the informant and due to the said assault, nephew of the informant sustained injuries and died.

4. Learned counsel for the applicant submits, totally on the basis of false allegations, applicant has been made accused in the present matter and only role of catching hold has been assigned to the applicant and the role of causing injury to the deceased is assigned to co-accused Dharamraj.

5. Learned counsel further submits that applicant is a lady and she is having no previous criminal history and is in jail since 21.5.2023.

6. *Per Contra*, learned AGA opposed the prayer for bail and submits in the incident there are number of eye-witnesses and all of them have stated that applicant and co-accused Samarjeet caught hold the deceased and thereafter co-accused Dharamraj cut his throat from *hasiya* and therefore, applicant actively participated

in the crime and she was sharing common intention and therefore, in spite of the fact that she is a lady, she should not be released on bail.

9. I have heard both sides and perused the record.

10. However, applicant is a lady but there is eye-witness account and according to the eye-witnesses, applicant along with co-accused Samarjeet caught hold the deceased and thereafter co-accused Dharamraj cut his throat through hasiya. Therefore, it appears that applicant has also participated in the present crime and shared common intention along with co-accused Dharamraj and Samarjeet.

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

12. Accordingly, the instant application is **rejected**.

Order Date :- 8.11.2023

Madhurima