

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48371 of 2023

Applicant :- Smt. Jyoti

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Ashish Pandey, learned counsel for the applicant and Sri Manoj Kumar Singh, learned Brief Holder, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release her on bail in Case Crime No.130 of 2023, under Section 306 IPC, Police Station Ramala, District Baghpat during pendency of the trial.
3. FIR of the present case was lodged against the applicant and her two brothers under Section 306 IPC and according to the FIR, due to the torture of applicant and her two brothers, the brother of the informant, i.e., husband of applicant committed suicide by consuming some poisonous substances.
4. Learned counsel for the applicant submits that applicant is the wife of the deceased and on the basis of vague allegation of abatement and torture she has been made accused along with her two brothers.
5. He further submits that applicant is lady and she is not having any previous criminal history and in the present matter she is in jail since 21.6.2023.
6. Per contra, learned AGA although opposed the prayer for bail but could not dispute the fact that applicant is lady and there is no

specific allegation of abatement against her.

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

8. Considering the fact that applicant is lady and is the wife of the deceased and only vague allegation of torture and harassment has been levelled against her, in my view, applicant is entitled to be released on bail.

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

10. Let the applicant-**Smt. Jyoti** 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 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.

11. 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.

12. 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 :- 22.11.2023
SKM