

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48997 of 2023

Applicant :- Mubina Begum

Opposite Party :- State of U.P.

Counsel for Applicant :- Sajiya Parveen

Counsel for Opposite Party :- G.A.,Shiv Shankar Kaithal

Hon'ble Sameer Jain,J.

1. Shri Shiv Shankar Kaithal, Advocate has filed his power on behalf of the informant in Court today, which is taken on record.

2. Heard Ms. Sajiya Parveen, learned counsel for the applicant, Shri Santosh Nigam, learned A.G.A. for the State-respondent and Shri Shiv Shankar Kaithal, learned counsel for the informant.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.91 of 2023, under Section 306 IPC, Police Station Nasirpur, District Firozabad, during pendency of the trial in the court below.

4. FIR of the present case was lodged on 06.06.2023 against applicant and seven others, under Section 306 I.P.C. and according to the F.I.R., marriage of the son of the informant was performed with the daughter of the applicant and against wishes of the son of the informant, applicant has taken his wife i.e. her daughter to her home and when son of the informant had gone to the paternal home of his wife, then applicant and her family members insulted him and due to

insult, the son of the informant by consuming some poisonous substance committed suicide.

5. Learned counsel for applicant submits that entire allegation made against the applicant is totally false and baseless and only being mother-in-law of the deceased, she has been made accused in the present matter. She further submits that there is no cogent evidence of abetment against the applicant and even from perusal of the F.I.R. and other material available on record, it appears that wife of the deceased was in her paternal home and when deceased tried to get her back but failed then he consumed some poisonous substance and died and in the entire episode, there is no role of the applicant.

6. She further submits that applicant is a lady and she is not having any previous criminal history and she is in jail in the present matter since 04.09.2023, therefore, she may be released on bail.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submits that it is the case, in which the son-in-law of the applicant due to insult and torture of the applicant and her family members committed suicide by consuming some poisonous substance and therefore, applicant should not be released on bail.

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

9. However, as per allegation applicant is mother-in-law of the deceased and marriage of her daughter was performed with the deceased and due to insulting behaviour of the

applicant and her family members, her son-in-law i.e. deceased committed suicide by consuming some poisonous substance but allegation of abetment appears to be vague and general in nature.

10. Further, applicant is a lady and she is not having any previous criminal history and she is in jail in the present matter since 04.09.2023.

11. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be enlarged on bail.

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

13. Let the applicant-**Mubina Begum**, 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.

14. 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.

15. 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 :- 17.11.2023

Zafar