

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49579 of 2023

Applicant :- Smt. Premvati And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Shri Manoj Kumar Srivastava, learned counsel for the applicants and Shri Rajeev Dhar Dwivedi, learned A.G.A. for the State-respondent.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.393 of 2023, under Sections 498-A, 304-B IPC & Section 3/4 D.P. Act, Police Station Chchrra, District Aligarh, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 06.09.2022 against applicants and their family members and according to the F.I.R., marriage of the son of the applicants was performed with the sister of the informant on 04.12.2022 and after solemnization of the marriage, applicants and their son alongwith other family members started torturing her for four wheeler and on 09.07.2023 applicants and their family members committed her murder for want of additioanl dowry.

4. Learned counsel for the applicant submits that entire allegations made against the applicants are totally false and baseless and applicants are in-laws of the deceased and on the basis of false allegation of demand of dowry and torture, they have been made accused in the present matter.

5. He further submits that applicants resided separately and this fact is evident from the statements of the independent witnesses, which has been annexed at Annexure No.6 to the affidavit. He further submits that post-mortem report of the deceased suggests that she died due to hanging and it appears that some dispute arose between husband and wife and thereafter wife committed suicide.

6. He further submits that applicants are not having any previous criminal history and they are in jail in the present matter since 27.09.2023, therefore, they may be released on bail.

7. Per contra, learned AGA opposed the prayer for bail and submits that daughter-in-law of the applicants died within seven months of her marriage under abnormal circumstances and there are also allegation of demand of dowry and torture but he could not dispute the fact that applicants are in-laws of the deceased and there is no specific allegation against them and even from the statements of the independent witnesses, they resided separately from their son i.e. husband of the deceased.

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

9. Considering the fact that applicants are in-laws of the deceased and deceased died due to the ante-mortem hanging and even from the statements of the independent witnesses they resided separately from their son i.e. husband of the deceased, ,in my view, applicants, who are in-laws of the deceased, are entitled to be enlarged on bail.

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

11. Let the applicantss-**Smt. Premvati** and **Satish**, 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 applicants shall appear before the trial court on the dates fixed, unless their personal presence are exempted.
- (ii) The applicants 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 applicants shall not indulge in any criminal and anti-social activity.

12. 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 applicants.

13. 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
Zafar