Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51238 of 2023

Applicant :- Rajwati
Opposite Party :- State of U.P.
Counsel for Applicant :- Rakesh Kumar Tiwari,Pranshu Dwivedi
Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Pranshu Dwivedi, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 336 of 2023, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Harduaganj, District- Aligarh, during pendency of the trial in the court below.

4. FIR of the present case was lodged against applicant and his family members and according to the FIR, marriage of the son of the applicant was performed with daughter of the informant on 10.05.2022 and after marriage, applicant and her family members tortured the deceased for a car and Rs. two lacs and due to want of dowry on 13.07.2023, they have committed her murder.

5. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and applicant is the mother-in-law of the deceased and only due to this reason, she has been made accused in the present matter. He further submitted that only general allegation has been levelled against the applicant and post-mortem report of the deceased suggests that deceased died due to ante-mortem hanging. He further submitted that it appears that some dispute arose between husband and wife and thereafter deceased i.e. wife hanged herself.

6. He further submitted that bail application of father-in-law of the deceased has been allowed by co-ordinate Bench of this Court on 24.11.2023 vide Criminal Misc. Bail Application No. 47710 of 2023 and case of applicant is even at better footing than him.

7. He further submitted that applicant is lady and she is not having

any criminal history and she is in jail since 04.08.2023.

8. Per contra, learned AGA however, opposed the prayer for bail but could not dispute the fact that applicant is the mother-in-law of the deceased and only general allegation has been levelled against her and father-in-law of the deceased has already been released on bail.

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

10. Considering the fact that applicant is the mother-in-law of the deceased and only general allegation has been levelled against her and deceased died due to hanging and father-in-law of the deceased has already been released on bail by this Court, in my view applicant is entitled to be released on bail.

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

12. Let the applicant- **Rajwati** 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.

13. 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.

14. 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 :- 30.11.2023 / KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad