

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50748 of 2023

Applicant :- Prakash Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Gaurav Kakkar, Pranjal Chaudhari

Counsel for Opposite Party :- G.A., Shравan Kumar Singh

Hon'ble Sameer Jain, J.

1. Heard Sri Pranjal Chaudhari, learned counsel for the applicant, Sri Shравan Kumar Singh, learned counsel for the informant and Sri Jhammanlal, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 174 of 2023, under Sections 468-A, 304-B IPC and Section 3/4 Dowry Prohibition Act, Police Station Jewar, District Gautambuddh Nagar during pendency of the trial.
3. FIR of the present case was lodged against applicant and her family members including her son i.e. husband of the deceased and according to the FIR marriage of son of the applicant was performed with the daughter of the informant about 2-1/2 years before and after marriage her family members started torturing her for Rs. 5,00,000/- and WagonR Car and on 26.6.2023 informant received an information that applicant and her family members hanged his daughter.
4. Learned counsel for the applicant submits that applicant is mother-in-law of the deceased and on the basis of false allegations of demand of dowry and torture, she has been made accused in the present matter.
5. He further submits that there is no specific allegation and only

on the basis of general allegation applicant alongwith her other family members has been made accused.

6. He further submits that even as per the statements of independent witnesses which have been annexed as annexure-8 to the affidavit applicant and her husband were not having any concern with the family affair of the deceased and deceased was residing in separate portion of the house.

7. He further submits that it appears that some dispute arose between husband and wife and thereafter wife hanged herself. He further pointed out that even as per autopsy report deceased died due to hanging.

8. He further submits that applicant is a lady and she is not having any previous criminal history and she is in jail since 18.8.2023.

9. Per contra, learned AGA and learned counsel for the informant opposed the prayer for bail and submit that applicant is mother-in-law of the deceased and her daughter in law died within 2-1/2 years of marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry but could not dispute the fact that as per the post mortem report deceased died due to hanging and from perusal of the statements of the independent witnesses, it appears that applicant and her husband were having no concern with the family affair of the deceased. They further could not dispute the fact that no specific allegations have been levelled against the applicant.

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

11. However daughter in law of the applicant died within 2-1/2 years of marriage in her matrimonial home under abnormal circumstances and there is also allegation of demand of dowry but it appears that no specific allegation has been made against the

applicant and applicant is the mother-in-law of the deceased.

12. Further from perusal of the statements of the independent witnesses recorded by the Investigating Officer during investigation which have been annexed along with the instant bail application, it appears that applicant and her husband were residing separately in separate portion of the house and they were having no concern with the family affair of the deceased. Post mortem report of the deceased also suggests that deceased died due to hanging.

13. Further applicant is a lady and she is in jail since 18.8.2023.

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

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

16. Let the applicant-Prakash Devi 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.

17. 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.

18. 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 :- 28.11.2023

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