

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50930 of 2023

Applicant :- Sridevi

Opposite Party :- State of U.P.

Counsel for Applicant :- Dileep Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 171 of 2023, under Sections 498-A, 323, 307, 506 I.P.C. Section 3/4 Dowry Prohibition Act, Police Station- Nagla Khangar, District- Firozabad, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. There is inordinate delay of 16 days in lodging the F.I.R. The applicant is the mother-in-law of the injured, Rashmi. It is contended by the applicant's counsel that the injured herself has inhaled corrosive acid, she was not tortured by the applicant which is evident from the medical report of the injured that no sign of external injury was present on her person. It is next contended that due to altercation between the injured and her husband, she herself administered and drank the acid which caused corrosive injury to her stomach, however, as per the ultrasound report, no abnormality was found in her stomach. It is also contended that the injured was hospitalized by her husband and after treatment she has been discharged from the hospital. There is no previous complaint either by the informant or by the injured about the demand of the dowry or maltreatment. It is lastly contended that being a lady the applicant is entitled to proviso of Section 437 Cr.P.C. The applicant is in jail since 10.10.2023, having no criminal history. In case she is enlarged on bail, she will not misuse the said liberty.

4. Learned counsel for the informant and learned A.G.A. have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for more than two months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Sridevi**, involved in aforesaid case be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that she:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses;

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 12.12.2023

S.Verma