

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51167 of 2023

Applicant :- Meena Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijaya Shankar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Vijaya Shankar Shukla, learned counsel for the applicant and Shri Shatrughan Yadav, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.348 of 2023, under Sections 498-A, 304 IPC & Sections 3/4 D.P. Act, 1961, Police Station Faridpur, District Bareilly, during pendency of the trial in the court below.
3. F.I.R. of the present case was lodged against applicant and her family members and according to the F.I.R., the marriage of the son of the applicant was performed with the sister of the informant on 08.07.2023 and after solemnization of the marriage, applicant and her family members tortured her for demand of dowry and for want of dowry on 07.07.2023 they have committed her murder by strangulating her.
4. Learned counsel for the applicant submits that applicant is mother-in-law of the deceased and on the basis of false allegation 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 of demand

of dowry against the applicant and it appears that deceased committed suicide as some dispute arose between husband and wife and thereafter wife committed suicide.

6. He further submits that even post-mortem of the deceased suggests that she died due to hanging.

7. He further submits that co-accused Awdhesh, who is father-in-law of the deceased, has already been released on bail by a Co-ordinate Bench of this Court vide order dated 03.11.2023 passed in Criminal Misc. Bail Application No.46909 of 2023 and bail order has been annexed as Annexure No.9 to the affidavit.

8. He 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 11.07.2023

9. Per contra, learned AGA opposed the prayer for bail and submits that applicant is mother-in-law of the deceased but could not dispute the fact that there is no specific allegation of demand of dowry and torture against her and deceased died due to hanging and father-in-law of the deceased has already been released on bail by a Co-ordinate Bench of this Court.

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

11. Considering the fact that applicant is mother-in-law of the deceased and only general allegation has been levelled against her and as per the post-mortem report of the deceased, she died due to hanging and father-in-law of the deceased has already been released on bail by a Co-ordinate Bench of this Court, 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- **Meena 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.

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 :- 30.11.2023

Zafar