

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51084 of 2023

Applicant :- Kamlesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Pati Tiwari, Arun Kumar Tripathi

Counsel for Opposite Party :- G.A., Rajendra Kumar Yadav

Hon'ble Sameer Jain, J.

1. Sri Rajendra Kumar Yadav, Advocate filed his power on behalf of the informant, today in the Court, which is taken on record.
2. Heard Sri Rakesh Pati Tiwari, learned counsel for the applicant, Sri Rajendra Kumar Yadav, learned counsel for the informant and Sri Shatruhan Yadav, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 287 of 2023, under Sections 304B, 498A, 323, 504, 506 IPC and Section 3/4 D.P. Act, Police Station Junawai, District Sambhal during pendency of the trial.
4. FIR of the present case was lodged against applicant and her family members and according to the FIR marriage of the applicant was performed with the daughter of the informant on 04.03.2022 and after marriage applicant and her family members tortured her for Kiya four wheeler and due to the torture of applicant and her family members on 10.08.2023 daughter of the informant died in the hospital.
5. Learned counsel for the applicant submitted that applicant is mother-in-law of the deceased and entire allegation of demand of dowry and torture made against her is totally false.
6. He further submits that actually about one and half months before victim delivered a child but after that her condition could not be recovered and it appears that due to Septic Shock she died and this fact is also evident from her post mortem report. He further submits that after the death of the deceased a false story has been cooked up by the informant and applicant has been made

accused in the present matter along with her family members.

7. He further submits that bail application of Khadag Singh, the father-in-law of the deceased, has already been allowed by the co-ordinate Bench of this Court vide order dated 03.11.2023 passed in Criminal Misc. Bail Application No. 47023 of 2023. He produced the bail order of Khadag Singh during the course of argument, which is taken on record and marked as 'A'.

8. He further submits that applicant is mother-in-law of the deceased, therefore, her case is at even better footing than father-in-law, who was head of the family. He further submits that applicant is a lady and she is not having any criminal history and in the present matter she is in jail since 15.08.2023.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the fact that deceased died due to Septic Shock and doctor did not find any injury on her body and father-in-law of the deceased has already been released on bail. They further could not dispute the fact that applicant is mother-in-law of the deceased and there is no specific allegation against her.

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

11. Considering the fact that applicant is mother-in-law of the deceased and there is no specific allegation made against her and post mortem report of the deceased suggests that deceased died due to Septic Shock and doctor did not find any injury on her body and father-in-law has already been released on bail, in my view, applicant is also entitled to be released on bail.

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

13. Let the applicant - **Kamlesh** 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

AK Pandey