

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52494 of 2023

Applicant :- Smt.Meera Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinay Kumar Singh Singraur, Anil Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Dr. Gautam Chowdhary,J.

1. Heard learned counsel for the applicant, Shri Rajeshwar Singh, the learned A.G.A.-I for the State and perused the record.

2. By means of the instant bail application, the applicant has sought for her enlargement on bail in Case Crime No. 241 of 2023, under Sections 498-A, 323, 302 I.P.C., Police Station Bahjoi, District Sambhal.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the present case. Learned counsel further submits that applicant is the sister-in-law (Jethani) of the deceased. Learned counsel for the applicant further submits that though in the F.I.R. general allegation of demand of additional dowry in the form of tractor and on account of non fulfillment thereof after pouring diesel upon the deceased set ablaze her has been made, but there is no specific allegation who poured diesel upon the deceased and who set fire upon her. Learned counsel for the applicant further submits that the deceased died after nine days of the alleged incident during treatment, after the incident the deceased was taken by her in-laws to the hospital, the Investigating Officer tried to record statement of the deceased on 02.06.2023 and 05.06.2023 but the doctors did not permit him as condition of the deceased was not good but the prosecution claims that statement of deceased has already been recorded by the concerned Tehsildar, which creates doubt about the veracity of dying declaration of the deceased. Learned counsel for the applicant further submits that in the postmortem of the deceased her cause of death was found to be septic shock due to severe burn. Learned counsel for the applicant further submits that the complainant who is father of the deceased and other witnesses have not supported the prosecution case. Learned counsel further

submits that there is no any credible evidence against the applicant except the alleged dying declaration of the deceased and the applicant has falsely been implicated, therefore, she may be enlarged on bail. He next submits that applicant is languishing in jail since 28.07.2023, having no criminal history.

4. Per contra, learned A.G.A.-I for the State has vehemently opposed the prayer for bail by stating that the dying declaration of the deceased was recorded in presence of concerned Tehsildar and with the permission of doctors who were giving treatment to the deceased, and as per dying declaration of the deceased, Harpal and Ashok (brothers-in-law-Jeth of the deceased) and Seema and Meera (sisters-in-law-Jethani of the deceased) have poured upon her diesel and set ablaze her on account of dispute of money which were due upon them. Learned A.G.A.-I, thus, submits that there is specific allegation against the applicant and three other persons in the dying declaration of the deceased and thus there is nothing to see either the statements of witnesses or the prosecution story as the deceased has specifically stated their complicity in her dying declaration, therefore, applicant does not deserve to be enlarged on bail.

5. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case and considering that in her dying declaration the deceased has specifically made allegation against the applicant and three other accused for pouring upon her diesel and setting her on fire, without expressing any opinion on the merits of the case, no case for bail has been made out.

6. Accordingly, the bail application of applicant-**Smt.Meera Devi**, is **rejected**.

Order Date :- 7.12.2023

Mustaqeem.