

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51741 of 2023

Applicant :- Kumari Deepshikha @ Shweta

Opposite Party :- State of U.P.

Counsel for Applicant :- Sujata Choudhary, Mohit Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Ms. Sujata Choudhary, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release her on bail in Case Crime No.331 of 2023, under Sections 498A and 304B IPC and Section 3/4 Dowry Prohibition Act, Police Station T.P.Nagar, District Meerut during pendency of the trial.
3. FIR of the present case was lodged against the applicant and her family members and according to the FIR, marriage of the elder brother of applicant was performed with the sister of the informant about three years before, i.e., in the year 2020 and after marriage applicant and her family members tortured her for a four wheeler and due to torture of applicant and her family members the sister of the informant committed suicide by hanging herself.
4. Learned counsel for the applicant submits that applicant is unmarried sister-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, it appears that some dispute arose between husband and deceased, i.e., elder brother of the applicant and deceased and thereafter she hanged herself.

6.He further submits that post mortem report also suggests that deceased died due to hanging.

7. He further submits that applicant is unmarried girl and she is not having any previous criminal history and in the present matter she is in jail since 24.10.2023.

8. Per contra, learned AGA although opposed the prayer for bail but could not dispute the fact that applicant is unmarried sister-in-law of the deceased and no specific allegation has been made against her. He further could not dispute the fact that deceased died due to hanging.

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

10. Considering the fact that applicant is unmarried sister-in-law of the deceased and only general allegation has been levelled against her and deceased, i.e., her 'bhabhi' died due to hanging, in my view, applicant is entitled to be released on bail.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is 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-**Kumari Deepshikha @ Shweta** 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 her 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 :- 4.12.2023
SKM