

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51709 of 2023

Applicant :- Geeta Devi And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Kumar Pal, Kamlakar Pal

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Today power has been filed by Sri Sunil Kumar and Sri Manish Jaiswal, Advocates on behalf of the informant, which is taken on record.
2. Heard Sri Shiv Kumar Pal, learned counsel for the applicants, Sri Sunil Kumar, learned counsel for the informant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicants on bail in Case Crime No. 190 of 2023, under Sections 498A, 304B IPC and Section 3/4 D.P. Act, Police Station Manda, District Prayagraj during pendency of the trial.
4. FIR of the present case was lodged on 02.09.2023 against applicants and their family members and according to the FIR marriage of the son of applicants was performed with the sister of the informant on 12.05.2019 and after marriage applicants and her family members tortured her for demand of Rs. 3 lakhs and on 02.09.2023 informant received an information that his sister has died by hanging.
5. Learned counsel for the applicants submits that applicants are in-laws of the deceased and on the basis of false allegation of demand of dowry and torture, they have been made accused in the present matter.
6. He further submits that actually son of the applicants i.e. husband of the deceased resided in Mumbai and deceased always insisted to live with him but their son could not fulfill her desire and only due to this reason she committed suicide.

7. He further submits that even post mortem report of the deceased also suggests that she died due to hanging. He further submits that applicants are not having any criminal history and in the present matter they are in jail 04.09.2023.

8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that daughter-in-law of the applicants died within four years of her marriage in her matrimonial home under abnormal circumstances and there is also demand of dowry.

9. They further submits that even applicants admitted in the instant bail application that deceased resided with them in the same house as according to them their son i.e. husband of the deceased resided in Mumbai, therefore, applicants were having greater responsibility towards the deceased to take care of her but instead of doing so they tortured her for demand of dowry and thereafter she died under abnormal circumstances.

10. Learned counsel for the informant further submits that even if it is a case of suicide then also applicants cannot escape from the clutches of Section 304B IPC as even suicide attracts the provision of Section 304B IPC.

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

12. From the record, it reflects that applicant no.1 is mother-in-law and applicant no.2 is father-in-law of the deceased and deceased i.e. their daughter-in-law died within four years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but defence taken by the applicant at this stage cannot be completely brushed aside specially considering the post mortem report of the deceased, which shows that she died due to hanging.

13. Further, applicants are not having any criminal history and in the present matter they are in jail since 04.09.2023.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicants are entitled to be released on bail.

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

16. Let the applicants - **Geeta Devi** and **Gulab Sonkar** 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 applicants shall appear before the trial court on the dates fixed, unless their personal presence is exempted.

(ii) The applicants 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 applicants shall not indulge in any criminal and anti-social activity.

17. 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 applicants.

18. 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 :- 2.12.2023

AK Pandey