

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52320 of 2023

Applicant :- Shahida Begam

Opposite Party :- State of U.P.

Counsel for Applicant :- Nand Shyam, Hari Bans Singh, Jash Ram

Counsel for Opposite Party :- G.A., Lakshmi Kant Pandey, Shailendra Mishra

Hon'ble Sameer Jain, J.

1. Heard Sri Hari Bans Singh, learned counsel for the applicant, Sri S.K. Pandey, Advocate, holding brief of Sri Shailendra Mishra, learned counsel for the informant and Sri Ravi Kant Kushwaha, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 206 of 2023, under Sections 498-A, 304-B, 323, 504, 506 IPC & 3/4 D.P Act, Police Station- Tharwai, District- Prayagraj, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant and her family members and according to the FIR, marriage of the son of the applicant was performed with the daughter of the informant on 24.02.2022 and after marriage, applicant and her family members tortured her for want of Rs. one lac and on 10.07.2023 informant received an information that his daughter has died. It is further mentioned in the FIR that applicant and her family members committed the murder of his daughter due to non-fulfillment of demand of dowry.
4. Learned counsel for the applicant submitted that applicant is the 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. He further submitted that there is no specific allegation against the applicant and only general allegation has been levelled against her.
5. He further submitted that actually after marriage, deceased started living with her husband in separate portion of the house and this fact is evident from Annexure No 8 to the affidavit. He further

submitted that post-mortem report of the deceased suggests that she died due to hanging.

6. He further submitted that applicant is a lady and she is not having any criminal history and is in jail since 12.07.2023.

7. 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 applicant died within two years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of demand of dowry but could not dispute the fact that applicant is the mother-in-law of the deceased and no specific allegation has been levelled against her and post-mortem report of the deceased suggests that she died due to hanging.

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

9. Considering the fact that applicant is the mother-in-law of the deceased and there is no specific allegation against her and post-mortem report of the deceased suggests that she died due to hanging, in my view applicant is entitled to be released on bail.

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

11. Let the applicant- **Shahida Begam** 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.

12. 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.

13. 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 :- 6.12.2023

KK Patel