

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52557 of 2023

Applicant :- Poonam Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Krishna Dutt Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri K.D. Awasthi, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 659 of 2022, under Sections 498A, 304B, 302 IPC and Section 3/4 D.P. Act, Police Station Khoda, District Ghaziabad during pendency of the trial.

3. FIR of the present case was lodged against applicant and her family members on 27.11.2022 and according to the FIR marriage of the son of the applicant was performed with the daughter of the informant on 25.11.2020 and after marriage applicant and his family members tortured her for dowry and on 26.11.2022 informant received an information that his daughter is admitted in the hospital and when he arrived then found that his daughter has died. It is further mentioned in the FIR that on 25.11.2022 due to want of dowry applicant and her family members beaten the deceased.

4. Learned counsel for the applicant submitted that applicant is 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 submits that there is no specific allegation made against her and it appears that some dispute arose between husband and wife thereafter wife hanged herself.

5. He next submits that post mortem report also suggests that deceased died due to hanging. He further submits that applicant is a lady and she is not having any previous criminal history and in the present matter she is in jail since 14.02.2023 i.e. for last almost ten months.

6. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant is mother-in-law of the deceased and there is no specific allegation against her and deceased died due to hanging.

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

8. Considering the fact that applicant is mother-in-law of the deceased and there is no specific allegation against her and deceased died due to hanging and applicant is a lady and she is in jail for almost ten months, in my view, applicant is entitled to be released on bail.

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

10. Let the applicant - **Poonam Tiwari** 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.

11. 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.

12. 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 :- 8.12.2023

AK Pandey