

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52688 of 2023

Applicant :- Kalui Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Manvendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Shri Manvendra Singh, learned counsel for the applicant, Shri Kunwar Tejendra Bahadur Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.159 of 2023, under Sections 498-A, 304-B IPC & Section 3/4 D.P. Act, Police Station Khakhru, District Fatehpur, during pendency of the trial in the court below.
3. FIR of the present case was lodged on 25.06.2023 against applicant and her family members and according to the F.I.R., marriage of the son of the applicant was solemnized with the daughter of the informant on 04.03.2017 and after solemnization of the marriage, applicant and her family members started torturing her for a golden chain and Rs.2,00,000/- and on 14/15.06.2023 for non-fulfilment of dowry, they have committed the murder of the daughter of the informant.
4. Learned counsel for the applicant submits 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 alongwith her family members.

5. He further submits that actually deceased was happily resided in her matrimonial home but on the date of incident on minor issue of food, some dispute arose between applicant and her and thereafter her husband slapped her and only due to this reason in anger she committed suicide by hanging herself and the defence taken by the applicant has also been supported by the independent witnesses and their statements have been annexed as Annexure No.4 to the affidavit.

6. He further submits that post-mortem report of the deceased suggests that she died due to hanging and this fact shows that she committed suicide.

7. He further submits that applicant is a lady and on the basis of general allegation, she has been made accused in the present matter.

8. He further submits that applicant is not having any criminal history and she is in jail in the present matter since 06.07.2023.

9. 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 she died due to hanging and there is no specific allegation of demand of dowry and torture against the applicant.

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

11. Considering the fact that applicant is mother-in-law and post-mortem report of the deceased suggests that she died due to hanging and there is no specific allegation of demand of dowry and torture against the applicant and defence taken by her find supports from the statements of the independent witnesses and

applicant is lady and is in fact since 06.07.2023, in my view, applicant, who is mother-in-law of the deceased, is entitled to be enlarged on bail.

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

13. Let the applicant- **Kalui Devi**, 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.

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 :- 8.12.2023
Zafar