

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4830 of 2023

Applicant :- Ram Piyari

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Dept. Civil Secrett. U.P. Lko.

Counsel for Applicant :- Surendra Kumar Yadav, Bhanu Pratap Singh, Sudhir Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
2. This bail application has been moved by the accused/applicant- **Ram Piyari** for grant of bail, in Case Crime No.187/2022 under Sections 498-A, 304-B, 302 I.P.C. & Section 3/4 D.P. Act, Police Station- Patranga, District- Faizabad/Ayodhya during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The F.I.R. of the instant case has been lodged by the father of the deceased on 07.09.2022 at 03.25 pm. at Police Station- Patranga, Ayodhya alleging that the marriage of his daughter was solemnized with the son of the applicant about two years ago and she was being subjected to cruelty in lieu of demand of dowry and on 05.09.2022 at about 04.00 PM, all the accused persons named in the F.I.R. have assaulted the deceased and caused her death. The post mortem report of the deceased would reveal that as many as eight injuries have been found on the person of the deceased of the nature of contusion and abraded contusion along with a ligature mark around her neck and the cause of death has been ascertained as 'asphyxia' as a result of ante mortem strangulation.
4. It is vehemently submitted that since the marriage of her son with deceased the deceased was living separately with her husband (son of applicant) and, therefore, the applicant was not having any concern with their affairs and since she was living separately, she is not in a position to explain the circumstances under which the deceased has been done to death. In order to fortify his submission of separate living, the statement of one independent witness, namely, Vishal Singh S/o Bhai Lal

recorded by the Investigating Officer has been highlighted to show that the applicant along with her husband were living separately in the same house.

5. It is further submitted that specific allegations of demand of dowry i.e. cash for the purpose of establishing a business has been attributed only to the husband and by any stretch of imagination the applicant, who was living separately may not be the beneficiary of the same. In this regard, the additional statement of the informant recorded by the investigating officer has been highlighted wherein the demand has been assigned to the husband as well as the allegations of assault has also been attributed to him.

6. It is next submitted that initially an information was given by the informant of this case to the concerned police station which was also registered in the general diary of the police station on 13.38 hours on 06.09.2022 with regard to the fact that the deceased had died due to the bite of a poisonous insect. Therefore, the allegations which have been levelled in the additional statement or in the statement of the other prosecution witnesses against the applicant are hearsay and could not be believed.

7. It is next submitted that applicant is in jail in this case since 09.09.2022 and till now only one prosecution witness has been testified before the trial Court. The applicant is not having any criminal history and there is no apprehension that after being released on bail she may flee from the course of law or may otherwise misuse the liberty. Identically placed co-accused person, namely, Ram Sewak Yadav (Father-in-law of the deceased) has already been granted bail by this Court, vide order dated 10.10.2023 passed in Criminal Misc. Bail Application No. 8675 of 2023.

8. Learned A.G.A., on the other hand, opposes the prayer of bail of the applicant on the ground that the applicant is accused of committing an heinous offence and therefore, she is not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is reflected that applicant is the mother-in-law of the deceased, who has died a little after two years of her marriage with the son of the applicant. Separate living has been claimed and in this regard, the statement of an independent witness, namely, Vishal Singh has been highlighted. It is also submitted that the applicant was living separately and therefore, she may not be obliged to explain the circumstances under which the deceased had died and also that she may not be

beneficiary of the dowry, the allegation of which has been specifically attributed to the husband. Applicant is in jail in this case since 09.09.2022 without any previous criminal history. Identically placed co-accused person, namely, Ram Sewak Yadav (Father-in-law of the deceased) has already been granted bail by this Court. The presence of the applicant could be secured before the trial court by placing adequate conditions.

10. Having regard to the overall facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

11. Let the accused/applicant- **Ram Piyari** involved in above-mentioned case, be released on bail on her furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

13. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

14. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

Order Date :- 18.10.2023

Praveen