**Court No. - 27**
**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 7139 of 2023
**Applicant :-** Jareena Khatun Alias Najma
**Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home Lko.
**Counsel for Applicant :-** Rajendra Prasad Yadav,Hemant Kumar Pandey,Osama Syed,Riyaz Ahmad
**Counsel for Opposite Party :-** G.A.

**Hon'ble Brij Raj Singh,J.**

1. Heard Shri Riyaz Ahmad, learned counsel for the applicant, Shri Ravish Chandra Mishra, learned AGA for the State and perused the record.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.61 of 2023, under Sections 498-A, 304-B IPC., and Section 3/4 D.P. Act, Police Station Colonelganj, District Gonda.

3. It has been submitted by learned counsel for the applicant that FIR has been lodged by father of the deceased in which he has stated that his daughter was married with co-accused Shahid on 20.05.2021. The family members,i.e. in-laws and her husband used to harass his daughter for additional dowry. It has been mentioned in the FIR that on 07.02.2023 Shahid informed the complainant that body of his daughter is hanging in her room.

4. Learned counsel submitted that deceased committed suicide by hanging and door of the room was broken in the presence of Nayab Tehsildar and body was taken down. It is further submitted that injuries has not been caused by the applicant. There was dispute between the deceased and her husband Shahid and applicant being mother-in-law has been falsely implicated.

5. Learned counsel further submitted that PW1 father has been examined before the trial court and in cross examination he has not supported the prosecution case. PW2 mother of the deceased has also not supported the prosecution case. The applicant has no criminal history. The applicant is in jail for more than nine months since 22.03.2023. Learned counsel submits that the applicant is a lady and further requested for the benefit of Section 437 Cr.P.C.

6. Learned AGA opposed the prayer for bail and submitted that even if it is a case of suicide then body of the deceased indicate that she had received seven injuries and presumption drawn is that in-laws and husband of the deceased have caused those injuries and that is why she

might have committed suicide.

7. Without expressing any opinion on the merits of the case and after hearing learned counsel for the parties and looking to the argument that general allegations of dowry demand has been levelled, argument that applicant is a lady and mother-in-law, argument that PW1 father of the deceased has not supported the prosecution case in cross examination and argument that PW2 mother of deceased has been declared hostile, I find it to be a fit case for grant of bail.

8. Let the applicant, **Jareena Khatun @ Najma** be released on bail in the above case crime number on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against her, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

**Order Date :-** 19.12.2023/Pks

Digitally signed by :-
POOJA SETH
High Court of Judicature at Allahabad,
Lucknow Bench