

Court No. - 9

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7834 of 2023

Applicant :- Smt. Maya @ Rama Kanti

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko.

Counsel for Applicant :- M.V.S. Chauhan, Satyendra Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel for the applicant, Sri Anurag Varma, learned A.G.A. for the State and perused the record. Sri Srees Kumar Srivastava, Advocate has put in appearance for the informant. Vakalatnama filed by him is taken on record.

2. The present bail application under Section 439 Cr.P.C. has been filed by the applicant seeking bail in FIR No.92 of 2023 under Sections 323, 504, 506, 447, 306 IPC, Police Station Makhi, District Unnao.

3. As per the allegations in the FIR, the accused who are brothers and sisters reached to the land of the deceased on 12.04.2023 and tried to take possession over the land. When the deceased objected all the accused assaulted him and set him on fire, as a result thereof, he suffered serious burn injuries. He was taken to district hospital Unnao.

4. Dying declaration of the deceased was recorded in the District Hospital and the deceased said that there was a property dispute with the accused named in the FIR. The deceased was living in Unnao and on the date of incident he came to his village, all the accused had given him filthiest abuses and also assaulted him. Aggrieved by the said fact he had poured kerosene oil and put himself on fire. The accused-applicant is the married daughter of Hari Prasad, father of the other three accused. This Court finds it little hard to believe that the accused-applicant would have also assaulted the deceased as alleged in the FIR as well as in the dying declaration. The accused-applicant has been in jail since 16.04.2023.

5. Considering the facts and circumstances of the case, the fact that the deceased has committed suicide as per dying declaration, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and, without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

6. Let applicant Smt. Maya @ Rama Kanti be released on bail in the aforesaid case on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the Magistrate/Court concerned, subject to 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 her counsel. In case of his 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.

Order Date :- 23.6.2023
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