

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11690 of 2023

Applicant :- Smt. Renu

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Govt. U.P. Lucknow

Counsel for Applicant :- Farakshan Khatoon, Neelu Singh Chauhan

Counsel for Opposite Party :- G.A., Umesh Dixit

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the applicant, Sri Umesh Dixit, learned counsel for the complainant, Sri Akhilesh Kumar Srivastava, A.G.A for the State and perused the record.
2. The present first bail application has been filed for bail in FIR/Case Crime No.390 of 2022 under Section 398-A, 304-B, 323 IPC and Section 3/4 Dowry Prohibition Act, PS Sandana, district Sitapur.
3. Learned counsel for the applicant has submitted that the applicant is married Nanad (sister-in-law) 53 years of age and her marriage was performed prior to 35 years residing in her inlaws' house. He has further submitted that general allegation of dowry demand is levelled and the father-in-law has been granted bail by this Court in Crl. Misc. Bail Application No.2389 of 2023 on 4.7.2023. He has further submitted that the case of the applicant is standing at better footing comparatively to the father-in-law who has been granted bail. He has further submitted that the applicant has no criminal history and she is in Jail since 2.11.2022.
4. On the other hand, Sri Akhilesh Kumar Srivastava, learned A.G.A. has opposed the bail, but could not dispute the fact that father-in-law has been granted bail. Learned counsel for the complainant has also opposed the bail but could not dispute the fact that father-in-law has been granted bail and no specific role or the allegation of complicity of the applicant is shown.
5. Considering the submissions of learned counsel for parties, the argument that father-in-law has been granted bail and the case of the applicant is at better footing comparatively to the case of the father-in-law and no specific role is assigned to the applicant, it is a fit case for bail.

8. Let the applicant, Smt. Renu 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 her 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.

7. 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 :- 12.10.2023
Rajneesh JR-PS)