

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11810 of 2023

Applicant :- Smt. Laxmi Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home), Lucknow

Counsel for Applicant :- Anamika Singh, Paritosh Shukla

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- **Smt. Laxmi Singh** for grant of bail, in Case Crime No. 235/2023, under Sections 498-A, 304-B IPC and 3/4 D.P. Act, Police Station Naseerabad, District Raebareli, during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication. The applicant is the mother-in-law of the deceased who has unfortunately died within two months of her marriage with the son of the applicant, however, since the marriage of the son of the applicant with the deceased the applicant was not having any concern with their affairs and she was living separately in the same house.
4. It is vehemently submitted that all the allegations so far as the allegations with regard to demand of dowry and committing cruelty in lieu thereof are concerned they are false, concocted and could not be believed and infact the deceased before marriage was residing at Delhi and she could not adjust in the rural environment of the village and was not ready to reside with the son of the applicant, however, she was pressurized by her parents to reside with her husband and it appears that she was annoyed and feeling suffocated by the same she had taken extreme step of suicide.
5. Elaborating further, it is submitted that postmortem report of the deceased would reveal that a ligature mark has been found around her neck and apart from that ligature mark, no other injury has been found and the cause of death has been ascertained as asphyxia as a result of ante-mortem hanging.

6. It is vehemently submitted that general allegation of demand of a Four Wheeler has been assigned to all the accused persons named in the FIR and also in the statement of prosecution witnesses and no over act or specific act have been assigned to the applicant and the applicant being a rustic village lady may not be the beneficiary of a vehicle/ Four Wheeler which was being allegedly demanded.

7. It is also submitted that as the applicant was residing separately in the same house, she is not in a position to explain the circumstances under which the deceased had committed suicide and the same could only be explained by the husband of the deceased who was admittedly residing with the deceased.

8. It is further submitted that the applicant is in jail in this case since 03.07.2023 and she is a lady aged about 46 years and is not having any criminal antecedent. Moreover, charge sheet has already been submitted and the trial is not being concluded in near future. There is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty.

9. Learned A.G.A. on other hand while relying on the law laid down by the Hon'ble Supreme court in ***Meera Vs. State By the Inspector of Police Thiruvotriyur Police Station Chennai*** reported in ***2022 SCC OnLine SC 31***, vehemently opposes the prayer of bail of the applicant on the ground that the atrocity/ cruelty has been committed with the deceased by a woman and simply on the basis, that the accused is a lady, she may not be given any lenient treatment and having regard to the heinousness of the offence, the applicant is not entitled to be released on bail.

10. Having heard learned counsel for the parties and having perused the record, it is reflected that within two months of her marriage with the son of the applicant the deceased had died otherwise than in normal circumstances. In the postmortem report a ligature mark has been found around the neck of the deceased and cause of death is ascertained due to asphyxia as a result of ante-mortem hanging. In this background it is submitted by learned counsel for the applicant that the deceased had committed suicide. It is also reflected that general allegations of demand of a 4 wheeler (vehicle) has been attributed to all the accused persons named in the FIR and it is projected with considerable force before this Court that no over act has been assigned to the instant applicant, who is a lady, having village background and may not be the beneficiary of the vehicle which was being allegedly demanded especially in presence of the husband of the deceased. Separate living in the

same house has also been claimed and it is in this background it is submitted that by virtue of Section 106 of the Indian Evidence Act, the principle may not be stretched so morbidly to include every corner of the house in order to explain the circumstances, under which the deceased has either done to death or committed suicide.

11. Thus, keeping in view all the facts and circumstances of the case specifically the fact that the applicant is a rustic village lady and by any stretch of imagination she may not be the beneficiary of the vehicle allegedly demanded and is in jail in this case since 03.07.2023. Her case is distinguishable from the other co-accused persons of the instant case.

12 In result, the facility of bail may be extended to the present
 applicant. The bail application is, thus, ***allowed***.

13. Let the accused/applicant - **Smt. Laxmi Singh** 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.

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

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

16. 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** :- 28.10.2023