

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12308 of 2023

Applicant :- Smt. Reeta Devi @ Ramdei

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Civil Sectt. Lko.

Counsel for Applicant :- Dinesh Kr. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Learned A.G.A. informs that he has procured complete instructions in the matter including upto date case diary of the case.
2. Heard Shri Dinesh Kr. Chaudhary, learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Smt. Reeta Devi @ Ramdei** for grant of bail, in Case Crime No.309 of 2023, under Sections 498-A, 306 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Kotwali Bhinga, District Shrawasti, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.
5. It is further submitted that the applicant is the mother-in-law of the deceased, who died after 9 years of her marriage with the son of the applicant by hanging herself and he had never demanded any dowry or subjected the deceased to cruelty in lieu of any demand and all the averments made in the F.I.R. as well as in the statement of the prosecution witnesses are false, concocted and could not be believed. It is also submitted that since the marriage of the son of the applicant with the deceased, the applicant was living separately in the same house and was not having any concern with their affairs and as he was living separately, he is not in a position to explain the circumstances, under which the deceased had committed suicide.
6. It is also submitted that the deceased was not mentally fit and in this regard father of the deceased (informant) on 22.03.2023 had executed an affidavit stated therein that the mental health

condition of the deceased is not upto the mark and on this account, she is not keeping cordial relations with her matrimonial relatives and if any untoward incident is occurred, the whole responsibility of the same is of him (informant) and this affidavit is part and parcel of the case diary and thus it appears that the deceased under some mental disorder has committed suicide. In presence of the husband of the deceased, no liability or responsibility could be fastened on the applicant to explain the circumstances, under which the deceased had committed suicide as the applicant was living separately in the same house and was not having any concern with their affairs.

7. It is further submitted that general allegations of demand of dowry has been made against all the accused persons named in the F.I.R., however, no overact or specific allegation has been levelled against the applicant and in presence of the husband of the deceased, the applicant could never be the beneficiary of the dowry, which was being allegedly demanded.

8. It is also submitted that applicant is languishing in jail in this case since 03.09.2023 and she 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, Salikram Yadv (father-in-law of the deceased) has already been granted bail by this Court, vide order dated 12.10.2023 passed in Criminal Misc. Bail Application No. 12150 of 2023.

9. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and, therefore, he is not entitled to be released on bail.

10. Having heard learned counsel for the parties and having perused the record, it is evident that admittedly the instant applicant is the mother-in-law of the deceased. The death of the deceased had occurred after 9 years of her marriage with the son of the applicant. The postmortem report of the deceased would reveal that ligature marks have been found around the neck of the deceased and the cause of death of the deceased has been ascertained as due to asphyxia as a result of ante mortem hanging. Thus, it appears that it is a case of suicide. The applicant is stated to be living separately in the same house and it is vehemently submitted on behalf of the applicant that in presence of the husband of the deceased she could not be the beneficiary of any dowry, which was being allegedly demanded and is not in a position to explain the circumstances under which the deceased had committed suicide. General allegations

of demand of dowry has been made against all the accused persons named in the F.I.R., however, no overact or specific allegation has been levelled against the applicant. Applicant is languishing in jail in this case since 03.09.2023 without any criminal antecedents. Identically placed co-accused person, namely, Salikram Yadv (father-in-law of the deceased) has been granted bail by this Court and the presence of the applicant may be secured before the trial court by placing adequate conditions.

11. 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**.

12. Let the accused/applicant- **Smt. Reeta Devi @ Ramdei** 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.

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

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

15. 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 on the merits of the case.

Order Date :- 17.10.2023

Praveen