

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12796 of 2023

Applicant :- Smt. Chandravati

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

Counsel for Applicant :- Desh Deepak Verma, Nitin Verma

Counsel for Opposite Party :- G.A., Rama Kant Dixit

Hon'ble Brij Raj Singh, J.

1. Heard Shri Desh Deepak Verma, learned counsel for the applicant, Shri G.D. Bhatt, learned AGA-I for the State and Shri Amit Kumar Dixit, Advocate holding brief of Shri Rama Kant Dixit, learned counsel for the complainant and perused the record.

2. The present bail application has been filed by the applicant with a prayer to enlarge her on bail in Case Crime No.328 of 2023, under Sections 498-A, 304-B I.P.C. and 3/4 D.P. Act, Police Station Payagpur, District Bahraich.

3. It is contended by learned counsel for the applicant that father of the deceased lodged report mentioning that he married his daughter with Suraj prior to one year and her in-laws and applicant used to demand additional dowry of motorcycle. It is mentioned in the FIR that for additional dowry, daughter was harassed and beaten by them and he got information that on 05.07.2023 that the deceased committed suicide.

4. Learned counsel submitted that the post mortem report indicates that the deceased committed suicide by hanging and there is no internal or external injury found on the person of the deceased except the ligature mark which took place due to hanging and cause of death is asphyxia. He further submitted that the applicant is residing separately and has no concern with the alleged offence. The applicant is in jail for the last more than five months. i.e. 06.07.2023. Learned counsel submitted that the applicant is a lady and further requested for the benefit of Section 437 Cr.P.C. The applicant has no criminal history.

5. Learned AGA as well as learned counsel for the complainant has opposed the prayer for bail and submitted that it is a case of dowry death and applicant being mother-in-law has rightly been implicated in the case because incident happened within two years of marriage as such bail is liable to be rejected.

6. Considering the facts and circumstances of the case as well as the argument that general allegation of dowry demand has been levelled; argument that deceased committed suicide, argument that no specific role has been

assigned to the applicant, argument that applicant has no criminal history and further the applicant is a lady, I find it to be a fit case for bail.

7. Let the applicant, Smt. Chandravati 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.

8. 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 :- 22.12.2023

Pks