

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12761 of 2023

Applicant :- Sahdev And Another

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

Counsel for Applicant :- Kailash Nath Mishra, Rahul Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Learned A.G.A. informs that she has procured complete instructions in the matter including up-to-date case diary.
2. Heard Shri Kailash Nath Mishra, learned counsel for the accused-applicants as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicants- **Sahdev** and **Krishnawati @ Krishna Devi** for grant of bail, in Case Crime No. 119 of 2023, under Sections 498-A, 304-B I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Sirsiya, District Shrawasti, during trial.
4. Learned counsel for the accused-applicants while pressing the bail application submits that it is a case of false implication. Applicants are parents-in-law of the deceased, who has died after one year of her marriage with the son of the applicants. However, since the marriage of the deceased with the son of the applicants they were living separately in the same house and were not having any concern with their affairs.
5. It is further submitted that in the first information report as well as in the statement of the prosecution witnesses, general allegations of demand of 'motorcycle, Rs. 2 lacs and other household items has been alleged, however, there is no specific allegation or overt act against the applicant.
6. It is further submitted that since the applicants were living separately in the same house, they are not in a position to explain the circumstances under which the deceased has committed suicide or has been done to death, as the same can only be explained by the husband of the deceased.
7. It is also submitted that by any stretch of imagination the applicants, who are rustic villagers, may not be the beneficiary

of the dowry, which was being allegedly demanded especially in presence of the husband. Applicants are languishing in jail in this case since 03.06.2023 and they are not having any criminal history. Charge sheet in this case has already been filed and there is no apprehension that after being released on bail they may flee from the course of law or may otherwise misuse the liberty.

8. Learned A.G.A., however, opposes the prayer of bail of the applicants on the ground that the applicants have committed an heinous offence and therefore, they are not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is reflected that the deceased has died within one year of her marriage with the son of the applicants. The postmortem report of the deceased would reveal that two ligature marks have been found around her neck and the cause of death has been ascertained as 'asphyxia', as a result of 'antemortem hanging'. It is also submitted by learned counsel for the applicant that the first information report of this case was given by the informant himself on the basis of which the inquest report was prepared and there is no allegation of any kind in that report and it is afterwards on the instigation of certain inimical persons the F.I.R. has been lodged. Separately living has also been claimed. Applicants are languishing in jail in this case since 03.06.2023 without any criminal antecedents. Charge sheet in this case has also been filed and the presence of the applicants may be secured before the trial court by placing adequate conditions.

10. 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**.

11. Let the accused/applicants- **Sahdev** and **Krishnawati @ Krishna Devi** involved in above-mentioned case, be released on bail on their furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicants shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicants shall cooperate in the trial sincerely without

seeking any adjournment.

(iii) The applicants shall not indulge in any criminal activity or commission of any crime after being released on bail.

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

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

14. 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 :- 31.10.2023

Praveen