

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13231 of 2023

Applicant :- Indrawati

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

Counsel for Applicant :- Suneel Kumar Singh Kalhans, Richa Srivastava, Shikha Srivastava

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 upto date case diary of the case.
2. Heard learned counsel for the accused-applicant as well as learned counsel representing the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Indrawati** for grant of bail, in Case Crime No.0471 of 2023, under Sections 498-A, 304-B I.P.C. & 3/4 of the Dowry Prohibition Act, Police Station Mankapur, District Gonda, 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 she 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 and since the marriage of the deceased with the son of the applicant, she was living separately in the same house and was not having any concern with their affairs and therefore, she is not in a position to explain the circumstances, under which the deceased has committed suicide or has been done to death and the same could only be explained by the husband, who was living with the deceased.
6. It is further submitted that the deceased since her marriage with the son of the applicant was not willing to reside with him, however, she was pressurized by her family members to marry the son of the applicant and it appears that on being annoyed by the same, she had taken the extreme step of suicide. Elaborating further, it is submitted that first marriage of the deceased was

solemnized with one Vivek, however, the deceased had developed intimacy with one Raju and her second marriage was solemnized with Raju and when she could not have cordial relations, third marriage of the deceased was solemnized with the son of the applicant and by any stretch of imagination, applicant may not be the beneficiary of the dowry, which was being allegedly demanded.

7. It is also submitted that the applicant is aged about 60 years and is suffering from various age related ailments. Applicant is in jail in this case since 18.08.2023 and she is not carrying any criminal history. Charge sheet in this case has been filed and there is no apprehension that after being released on bail the applicant 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 applicant on the ground that the applicant in association of the husband of the deceased has committed cruelty with the deceased in lieu of demand of dowry and having regard to the material/evidence available against the applicant, she is not entitled to be released on bail.

9. Having heard learned counsel for the parties and having perused the record, it is evident that marriage of the deceased with the son of the applicant was her third marriage. The marriage is shown to have been solemnized in the month of January, 2022. The deceased is shown to have died on 16.08.2023 and the postmortem report of the deceased would suggest that a ligature mark has been found around her neck and no other injury has been noticed and the cause of death has been ascertained due to asphyxia as a result of ante mortem hanging. The defence of the applicant appears to be that she was living separately in the same house since the marriage of the deceased with her son and being a rustic village lady, she may not be the beneficiary of the dowry, which was being allegedly demanded and also may not be obliged to explain the circumstances, under which the deceased has been either done to death or has committed suicide as the same could only be explained by the husband, who was residing with the deceased. Applicant is in jail in this case since 18.08.2023 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

10. Having regard to the overall facts and circumstances of the case and 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/applicant- **Indrawati** 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.

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 of this Court on the merits of the case.

Order Date :- 7.11.2023

Anupam S/-