

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13393 of 2023

**Applicant :-** Geeta Devi

**Opposite Party :-** State Of U.P., Thru. The Addl. Chief Secy. Home Deptt., Civil Sectt. Lko.

**Counsel for Applicant :-** Chanchal Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mohd. Faiz Alam Khan,J.**

1. Heard learned counsel for the accused-applicant, learned A.G.A. for the State, and Mr. Dharmendra Kumar Gupta, learned counsel for the complainant/informant and perused the record.

Counter affidavit filed on behalf of the complainant/informant is taken on record.

2. This bail application has been moved by the accused/applicant- **Geeta Devi** for grant of bail in Case Crime No.0300 of 2023, under Sections 498-A and 304-B I.P.C. read with Section 3/4 of the Dowry Prohibition Act, Police Station Talgaon, District Sitapur, during trial.

3. 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.

4. It is further submitted that the applicant is the mother-in-law of the deceased who appears to have committed suicide a little after two years of her marriage with the son of the applicant. Since the marriage of son of the applicant with the deceased, they are living separately in the same house and the applicant was not having any concern with their affairs. It is vehemently submitted that since the applicant was not having any concern with the affairs of the deceased and her son, she may not be obliged to explain the circumstances under which the deceased has committed suicide, more so, when the dead-body of the deceased has been found in the shop situated outside the house and the same could only be explained by the husband of the deceased. It is also submitted that the applicant, being a rustic village lady, may not be the beneficiary of rupees three lakh, which was being allegedly demanded.

5. While highlighting an FIR bearing case crime no.0278 of 2023 lodged by one Anuj Kumar Maurya and the statement of the prosecutrix of that case recorded under Section 164 CrPC, it is highlighted that since the name of husband of the deceased was surfaced in that case, aggrieved by the same, the deceased has committed suicide and the theory of demand of dowry has been carved out subsequently. It is next submitted that applicant is in jail in this case since 09.10.2023 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.

6. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed a heinous offence and having regard to the material/evidence available against the applicant, she is not entitled to be released on bail.

7. Learned counsel for the complainant/informant vehemently opposes the bail plea of the applicant by showing some photographs of the deceased enclosed with the counter affidavit in order to show the posture of the dead-body of the deceased and though the cause of death has been ascertained as asphyxia due to antemortem hanging, but it is a case of strangulation and the deceased has been done to death and she has not committed suicide and, thus, the applicant is not entitled to be released on bail.

8. Having heard learned counsel for the parties and having perused the record, the postmortem report of the deceased would reveal that a ligature mark has been found around neck of the deceased and cause of death has been ascertained as asphyxia due to antemortem hanging. The applicant is the mother-in-law of the deceased. Separate living in the same house has been claimed and, on that basis, it is submitted that since the applicant was living separately in the same house, she may not be obliged to explain the circumstances under which the deceased has committed suicide or has been done to death as the same could only be explained by the husband of the deceased and the applicant may not be the beneficiary of the alleged dowry. Applicant is in jail in this case since 09.10.2023 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

9. 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**.

10. Let the accused/applicant- **Geeta Devi** 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.

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

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

13. 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.

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**[Mohd. Faiz Alam Khan,J.]**

**Order Date :- 17.11.2023**

MVS/-