

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13305 of 2023

Applicant :- Leelawati

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

Counsel for Applicant :- Rahul Agnihotri, Uday Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard Shri Rahul Agnihotri, learned counsel for the applicant, Shri Diwakar Singh, learned AGA-I for the State 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.1551 of 2022, under Sections 498-A, 304B I.P.C. and 3/4 D.P. Act, Police Station Kotwali Sadar District Lakhimpur Kheri.

3. It is contended by learned counsel for the applicant that FIR has been lodged by the father of the deceased, making general allegation of dowry demand. Further submission is that there is no specific role or any evidence attributed to the extent that the applicant was involved in the commission of crime. 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 marks found on neck which took place due to hanging. The cause of death was found to be asphyxia as a result of ante mortem hanging.

4. It is lastly contended that co-accused Ram Ratan father in law has been granted bail by this Court in Criminal Misc. Bail Application No.11020 of 2023 vide order dated 21.09.2023 as such the case of the applicant is at par with the co-accused. The applicant has no criminal history. The applicant is in jail since 26.12.2022. Learned counsel submits that the applicant is a lady and further requested for the benefit of Section 437 Cr.P.C.

5. Learned AGA has opposed the prayer for bail but could not dispute the fact that co-accused Ram Ratan father in law has been granted bail by this Court.

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 co-accused Ram Ratan, father-in-law has been granted bail and further the applicant is a lady, I find it to be a fit case for bail.

7. Let the applicant, Leelawati, 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 :- 8.11.2023

Pks