

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13487 of 2023

**Applicant :-** Shahnaz

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

**Counsel for Applicant :-** Manoj Kumar Singh

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

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

1. Learned A.G.A. informs that he has procured complete instructions in the matter including upto date case diary of the case. Thus, it appears that on the basis of material placed on record the bail plea of the applicant may be adjudicated.
2. Heard Shri Manoj Kumar Singh, learned counsel for the accused-applicant, as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Shahnaz** for grant of bail in Case Crime No.0112 of 2023, under Sections 498-A and 306 IPC read with Section 3/4 Dowry Prohibition Act, Police Station Hardutt Nagar, District Shravasti, 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. It is further submitted that in the FIR the allegations of demand of dowry and committing cruelty in lieu thereof have been levelled against all the accused persons and no specific role has been assigned to the instant applicant.
5. Highlighting the above, it is submitted that the allegations contained in the FIR as well as in the statements of the prosecution witnesses could not be believed as for eight long years the deceased was living with her husband and no complaint of any kind in this regard has been made to any public authority. It is vehemently submitted that a little after the marriage of the deceased with the son of the applicant, the

applicant had started living at Bahraich which is also admitted by some of the prosecution witnesses and it appears that there was some misunderstanding between the husband and wife and, it is on account of the same, the deceased has committed suicide. At the relevant point of time, the applicant was living separately at Bahraich and she may not be expected to explain the circumstances under which the deceased has committed suicide and the same could only be explained by her husband. It is also submitted that the specific case of the prosecution appears to be that the deceased has committed suicide by consuming poisonous substance which is also substantiated by the forensic report as the viscera of the deceased was preserved. It is also submitted that the applicant is aged about 53 years and she may not be the beneficiary of any dowry and was living separately at Bahraich and she is not having any criminal history. It is next submitted that applicant is in jail in this case since 04.10.2023. 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. Having heard learned counsel for the parties and having perused the record, it is evident that the applicant is the mother-in-law of the deceased. The deceased appears to have committed suicide after eight years of her marriage with the son of the applicant. The cause of death could not be ascertained in postmortem report and viscera was preserved and as per forensic report organic insecticide has been detected. The applicant appears to be living at Bahraich as has been admitted by many witnesses and in this background it is submitted that the applicant may not be in a position to explain the circumstances under which the deceased has committed suicide. The applicant is in jail in this case since 04.10.2023 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

8. 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**.

9. Let the accused/applicant- **Shahnaz**, 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.

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

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

12. 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 :- 9.11.2023**

MVS/-