

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2784 of 2023

Applicant :- Batu @ Brajesh Kumari

Opposite Party :- State Of U.P Thru. Secy. Home Deptt. Govt.
Civil Sectr. Lko. And Another

Counsel for Applicant :- Tribhuvan Narai Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Tribhuvan Narain Singh, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 370 of 2021, under Sections 498-A/ 306 IPC and 3/4 Dowry Prohibition Act, Police Station Gola, District Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.07.2021 against five persons, including the applicant, stating that the informant's daughter got married to the applicant's brother-co-accused Narendra, on 09.06.2014; that all the accused persons used to harass her for demanding dowry and she died because of hanging on 12.07.2021. Initially an FIR was lodged under Section 498-A and 302 IPC but after investigation, it has been converted under Section 498-A and 306 IPC.

4. In the affidavit filed in support of the application it has been contended that the applicant is a 30 years old woman having no criminal history and she has been falsely implicated in the present case. The applicant is the mother of a 6 months old

daughter.

5. The post mortem examination report mentions a ligature mark around the neck of the deceased and the cause of death has been opined to be asphyxia due to ante mortem hanging and no other injury has been reported on any part of her body.

6. The deceased has left a suicide note wherein she stated that she was committing suicide because of ill treatment by one Ajay Kumar alias Ram Ji and she did not level any allegation against her husband or any other member of his family.

7. The learned counsel for the applicant has also submitted that the co-accused, Siya Bitti, has been granted anticipatory bail by this Court vide order dated 23.11.2023 passed in Criminal Misc. Anticipatory Bail Application (U/S 438 Cr.P.C.) No. 2685 of 2023.

8. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case and Keeping in view of the fact that the applicant is a mother of 6 months daughter and she has no criminal history whereas one the co-accused persons has already been granted bail, I am of the view that the applicant is also entitled to be granted anticipatory bail in the matter.

10. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Batu @ Brajesh Kumari** before the learned Trial Court in the aforesaid case crime, she shall be released on anticipatory bail during pendency of the trial on her furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

(Subhash Vidyarthi,J.)

Order Date :- 5.12.2023

Preeti.