

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15135 of 2023

Applicant :- Ram Kumari

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

Counsel for Applicant :- Shyamendra Singh, Praveen Yadav, Tej Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Shri Dharmendra Pratap Singh, learned Advocate has filed his 'Vakalatnama' on behalf of the complainant/informant, the same is taken on record.
2. Learned A.G.A. informs that he has procured complete instructions in the matter including upto date case diary of the case.
3. Heard learned counsel for the accused-applicant as well as learned counsel representing the State, Shri Dharmendra Pratap Singh, learned counsel for the complainant/informant and perused the record.
4. This bail application has been moved by the accused/applicant- **Ram Kumari** for grant of bail, in Case Crime No.469 of 2023, under Sections 498-A, 304-B I.P.C. & 3/4 of the Dowry Prohibition Act, Police Station Sandhna, District Sitapur, during trial.
5. 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.
6. It is further submitted that the applicant is the mother-in-law of the deceased, who appears to have committed suicide by hanging herself after four years and three months of her marriage with the son of the applicant, however, since the marriage of the son of the applicant with the deceased, they were living separately in the same house and the applicant was not having any concern with their affairs. The postmortem report would reveal that cause of death of the deceased has been shown due to asphyxia as a result of ante mortem hanging and

apart from a ligature mark found around the neck of the deceased, no other injury has been found on the person of the deceased and in presence of the husband of the deceased, no liability or responsibility could be fastened on the applicant to explain the circumstances, under which the deceased had committed suicide as the applicant was living separately in the same house and was not having any concern with their affairs.

7. It is further submitted that the instant applicant is a rustic village lady and general allegations of demand of Rs.2 lakhs has been made against all the accused persons named in the F.I.R., however, no overt act or specific allegation has been levelled against the applicant and in presence of the husband of the deceased, the applicant could never be the beneficiary of the dowry, which was being allegedly demanded.

8. It is next submitted that applicant is in jail in this case since 12.09.2023 and she is not carrying any criminal history. 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.

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

10. Shri Dharmendra Pratap Singh, learned counsel for the complainant/informant vehemently opposes the prayer of bail of the applicant on the ground that it has come in the inquest report that when family members of the deceased had arrived at the house of the husband of the deceased, they found the feet of the deceased placed on the bed, thus it may never be the case of suicide and moreover the applicant has also been instrumental in demanding dowry and committing cruelty soon before death of the deceased. It is also highlighted that there is one witness in the name of Om Narain Awasthi, who has denied separate living of the applicant, therefore, the applicant is not entitled to be released on bail.

11. 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 was married to the son of the applicant about four years and three months prior to her death. The postmortem report of the deceased would reveal that apart from a ligature mark found around the neck of the deceased, no other injury has been found on the person of the deceased and the cause of death of the deceased has been

ascertained as asphyxia as a result of ante mortem hanging. It is vehemently submitted by learned counsel for the applicant that the deceased appears to have committed suicide and in presence of the husband of the deceased, the liability could not be fastened on the applicant, who was living separately, to explain the circumstances, under which the deceased had committed suicide. The dead body of the deceased has been found in a separate room. General allegations of demand of Rs.2 lakhs has been made against all the accused persons named in the F.I.R., however, charge sheet could only be filed against three persons namely Rajinder (husband), applicant and Kadile (father-in-law) and no overt act or specific allegation has been levelled against the applicant and in presence of the husband of the deceased, the applicant could never be the beneficiary of the dowry, which was being allegedly demanded. Applicant is in jail in this case since 12.09.2023 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

12. 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**.

13. Let the accused/applicant- **Ram Kumari** 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.

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

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

16. 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 :- 21.12.2023

Anupam S/-