

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15436 of 2023

Applicant :- Smt. Munni Devi

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

Counsel for Applicant :- Arun Kumar Mishra

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.
2. Heard learned counsel for the accused-applicant as well as learned counsel representing the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Smt. Munni Devi** for grant of bail, in Case Crime No.157 of 2023, under Sections 498-A, 304-B I.P.C. and Section 3/4 D.P. Act, Police Station Hardutt Nagar Grint, District Shrawasti, 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.
5. It is further submitted that applicant is the mother-in-law of the deceased, whose marriage was solemnized with the son of the applicant about five years before lodging of the first information report and she appears to have committed suicide.
6. It is vehemently submitted that since the marriage of the deceased with the son of the applicant, the applicant was living separately in the same house and was not having any concern with their affairs and since she was living separately, she may not be obliged to explain the circumstances under which the deceased has either been done to death or has committed suicide, as the same may only be explained by the husband, who was residing/living with the deceased.
7. It is also submitted that general allegations of demand of Rs.1 lac and committing cruelty in lieu thereof have been

levelled, however, in presence of the husband of the deceased the applicant may not be the beneficiary of the dowry which was being allegedly demanded. Identically placed co-accused person namely Ramesh Kumar @ Suresh Kumar (father-in-law of the deceased) has been granted bail by this Court, vide order dated 23.11.2023 passed in Criminal Misc. Bail Application No.13880 of 2023.

8. It is next submitted that applicant is in jail in this case since 24.07.2023 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. Having heard learned counsel for the parties and having perused the record, it is reflected that the applicant is the mother-in-law of the deceased. The deceased had died a little after five years of her marriage with the son of the applicant. In the postmortem report where two ligature marks are shown to have been found around the neck of the deceased without any other external injury. The doctors have ascertained the cause of death is 'asphyxia', as a result of 'antemortem hanging'. The defence of the applicant appears to be that she was living separately in the same house and, therefore, she may not be obliged to explain the circumstances under which the deceased has either been done to death or has committed suicide. It is further the defence of the applicant that in presence of the husband, she may not be the beneficiary of the dowry, which was being allegedly demanded. Identically placed co-accused person namely Ramesh Kumar @ Suresh Kumar (father-in-law of the deceased) has been granted bail by this Court. Applicant is in jail in this case since 24.07.2023 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

11. 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**.

12. Let the accused/applicant- **Smt. Munni 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.

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

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

15. 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 :- 22.12.2023

Anupam S/-