

Court No. - 11

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 1394 of 2024

Applicant :- Sonai Begum

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

Counsel for Applicant :- Mohd. Amir Khan, Sheelam Devi, Surya Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard learned counsel for the applicant, Sri Rao Narendra Singh, learned AGA for the State and Sri Abhishek Yaduvanshi, Advocate and Sri Utkarsh Mishra, Advocate, who have filed Vakalatnama on behalf of opposite party No.2, which is taken on record and perused the record.

2. The present application under Section 438 Cr.P.C. has been filed by the applicant seeking bail in anticipation of her arrest in Case Crime No. 311 of 2023 under Sections-498-A, 323, 506, 316, 354, 376 IPC and Section 3/4 of Dowry Prohibition Act & Section 3/4 of Muslim Marriage Act, Police Station-Motiganj, District-Gonda.

3. Contention of learned counsel for the applicant is that applicant is mother-in-law of the opposite party No. 2 and she has been falsely implicated merely because she is mother of husband of opposite party No.2. It is further submitted that matrimonial discord between the husband and opposite party No. 2 has culminated into impugned proceeding. Entire family of husband of opposite party No. 2 has been falsely implicated on the basis of general allegations.

4. *Per contra*, learned counsel for the opposite party No. 2 and learned AGA have submitted that there is specific allegation against the applicant for kicking the opposite party No. 2 in her belly which resulted as miscarriage of pregnancy. Therefore, no

case is made out for anticipatory bail.

5. However considering the fact that specific allegations are against husband of opposite party No. 2 and applicant is mother-in-law and general allegations have been made against entire family of the in-laws of opposite party No. 2 and also nature of allegations as well as the fact that applicant is a lady. Therefore, applicant is entitled to be released on anticipatory bail.

6. Hence without expressing any opinion on the merits of the case and considering the nature of accusations, gravity of offence and antecedents of applicant, she is entitled to get anticipatory bail during investigation.

7. In the event of arrest, the applicant shall be released on anticipatory bail. Let the applicant, **Sonai Begum** involved in the aforesaid crime be released on anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the concerned Investigating Officer with the following conditions:-

(i) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation.

(ii) 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.

(iii) The applicant shall not leave the country during the currency of trial without prior permission from the concerned trial Court.

8. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

9. With the aforesaid observations/directions, the application stands **disposed of**.

Order Date :- 24.6.2024/Vinay/-