

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438

CR.P.C. No. - 2350 of 2024

Applicant :- Pushpa Devi

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

Counsel for Applicant :- Narendra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

The present bail application under Section 438 Cr.PC. has been filed seeking anticipatory bail in case crime/FIR No. 194/2024, under Sections 498A/304B I.P.C. and Section 3/4 of D.P. Act, P.S. Machhrehta, District Sitapur.

Heard learned counsel for the applicant as well as learned AGA for the State.

Perused the record.

Perusal of the record shows that the victim within two years of marriage has died in her matrimonial home in unnatural circumstances. In the statement of the complainant and other prosecution witnesses, it appears that clear allegation of demand of dowry has been made. From perusal of postmortem report, it appears that cause of death is asphyxia as a result of antemortem hanging; there are five antemortem injuries on the body of the deceased. Viscera is preserved.

The contention of learned counsel for the applicant that it is a case of false implication as general allegations have been made on all the accused persons cannot be accepted in the face of antemortem injuries on the body of the deceased. It is a case of dowry death. Offence is grievous. Complicity of the applicant as well as other co-accused persons is prima facie evident.

Considering the gravity of the offence as well as involvement of the applicant as well as other co-accused persons in it, I am not inclined to enlarge the applicant on anticipatory bail.

Accordingly, the anticipatory bail application of the applicant is hereby ***dismissed***.

At this stage, learned counsel for the applicant submits that the applicant being an ailing lady may be permitted to surrender and apply for bail.

It is provided that in case the applicant appears before the trial court within two weeks from today and applies for bail, the same shall be decided expeditiously, considering her medical condition.

Order Date :- 18.12.2024/R.C.