

**Court No. - 11**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13075 of 2024

**Applicant :-** Basanta Devi

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

**Counsel for Applicant :-** Ashok Kumar Maurya, Priyanshi Maurya, Raj Kumar Maurya

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajesh Singh Chauhan, J.**

1. Heard learned counsel for the applicant, Sri Pranesh Sinha and Sri Pranesh Sinha, learned Additional Government Advocate for the State.
2. However, Sri Rajesh Kumar Singh, learned counsel has stated that he has filed Vakalatnama on behalf of the complainant in Criminal Misc. Bail Application No.13071 of 2024; Jagdish Patel vs. State of U.P., who is father-in-law of the deceased.
3. As per learned counsel for the applicant, the present applicant (Basanta Devi) who is languishing in jail since 03.10.2024 in Case Crime No.348 of 2024, under Section 80, 85, 352 & 351 (3) of Bharatiya Nyaya Sanhita, 2023 (henceforth referred to as the "B.N.S.") and Section 3/4 of Dowry Prohibition Act, Police Station-Lalganj, District-Pratapgarh.
4. Learned counsel for the applicant has stated that the present applicant has been falsely implicated in this case as he has not committed any offence as alleged in the prosecution story.
5. Learned counsel for the applicant has submitted that the present applicant is a mother-in-law of the deceased. As a matter of fact, the present applicant was having cordial relation with her daughter-in-law and she has never demanded any dowry of any kind whatsoever from her daughter-in-law or her family members. As a matter of fact, the present applicant has nothing to do with the family affairs of her daughter-in-law. Further, no specific allegation has been levelled against the present applicant and no specific role has been assigned to her in the commission of crime. The general allegation has been levelled against the entire family members. The cause of death is due to asphyxia as a result of ante-mortem hanging. There is

no criminal history of any kind whatsoever against the present applicant. Learned counsel for the applicant, on behalf of the applicant, undertakes that the present applicant shall cooperate with the trial proceedings and shall not misuse the liberty of bail, if granted to her, and shall abide by the terms and conditions of the bail order. Besides, being a lady she may be given the benefit of Section 480 B.N.S.S.

6. On the other hand, learned counsel for the informant/complainant has vehemently opposed the prayer for bail of the present applicant by submitting that the deceased committed suicide within six months of her marriage under mysterious circumstances and burden of proof lies upon the entire family members of the applicant, therefore, this bail application may be rejected.

7. Learned Additional Government Advocate has also opposed the prayer for bail of the present applicant by submitting that since the role of the present applicant was found in the commission of crime, therefore, he is not entitled for grant of bail, but he could not dispute the aforesaid factual contention of learned counsel for the applicant.

8. Having heard learned counsel for the parties and having perused the material available on record; considering the fact that no specific allegation has been levelled against the present applicant; the present applicant was having cordial relation with her daughter-in-law and she has never demanded any dowry from her daughter-in-law or her family members; The cause of death is due to asphyxia as a result of ante-mortem hanging; there is no criminal history of any kind whatsoever against the present applicant; the undertaking that the present applicant shall cooperate with the trial proceedings and shall not misuse the liberty of bail, if granted to her, and shall abide by the terms and conditions of the bail order; the present applicant being a lady may be given the benefit of Section 480 B.N.S.S., but without expressing any opinion on the merits of the case, I am of the view that the present applicant may be enlarged on bail.

9. Accordingly, the instant bail application is ***allowed***.

10. Let accused-applicant (Basanta Devi) involved in the aforesaid case crime number be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned on following conditions, which are being imposed in the interest of justice:-

(i) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence

when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 229-A IPC/269 of the B.N.S., 2023.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence proclamation under Section 82 Cr.P.C./84 of B.N.S.S., 2023 is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her, in accordance with law, under Section 174-A IPC/208 of the B.N.S., 2023.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C./351 of B.N.S.S., 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her in accordance with law. The present applicant shall not leave the country without prior permission of the Court.

[Rajesh Singh Chauhan,J.]

**Order Date :- 18.12.2024**  
Suresh/