

Sandhya Maurya vs State Of U.P. on 30 April, 2025

Author: Samit Gopal

Bench: Samit Gopal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:67945

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32858 of 2022

Applicant :- Sandhya Maurya

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharm Raj,Vindeshwari Prasad

Counsel for Opposite Party :- Anil Kumar Tiwari,G.A.,Gopal Das Srivastava

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Ram Sagar Yadav, learned counsel for the applicant, Sri Gopal Das Srivastava, learned counsel for the first informant, Sri Birendra Pratap Singh, learned counsel for the State and perused the material on record.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant-Sandhya Maurya, seeking enlargement on bail during trial in connection with Case Crime No.196 of 2020, u/s 302, 201/34 IPC, P.S. Saraikhwaja, District Jaunpur.

4. This is a second bail application. The first bail application of the applicant was rejected vide order dated 5.7.2021 passed by this Court passed in Criminal Misc. Bail Application No.68 of 2021 (Sandhya Maurya Vs. State of U.P.).

5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. While placing supplementary affidavit dated 23.9.2024, it is submitted that in the trial six prosecution witnesses have been examined, copies of the said statements are annexed as Annexure No.S.A-1 to the supplementary affidavit. While placing the statement of Om Prakash Maurya who was examined as P.W.2, it is submitted that there are serious contradictions in the statement and reading of the same would go to show that there is no evidence against the applicant, as such looking to the fact that six prosecution witnesses have been examined, the applicant is in jail since 21.8.2020, he may be directed to be released on bail.

6. Per contra learned counsel for the first informant vehemently opposed the prayer for bail and argued that the first bail application of the applicant has been rejected by this Court vide order dated 5.7.2021. It is submitted that in so far as trial is concerned, the same is going on in which six witnesses have been examined who have supported the prosecution case. Even otherwise para nos.16, 17 and 18 of the affidavit in support of bail application goes to show that it is specifically pleaded that the applicant was living with Bhaiya Lal and she was brought by Bhaiya Lal at the place of occurrence where she tried to clean the blood from the floor. It is submitted that as per para no.18 the ornaments were handed over to the applicant by the main accused Bhaiya Lal, hence all the episodes have been committed by the accused Bhaiya Lal, as such the pleading in the said para itself shows the presence and participation of the applicant. Since the trial is in progress and six witnesses have been examined, release of the applicant at this stage may have an adverse effect on the trial.

7. Learned counsel for the State also reiterated the submissions made by learned counsel for the first informant.

8. After hearing the counsel for the parties and perusing the record, it is evident that the first bail application of the applicant was rejected by this Court vide order dated 5.7.2021, the said order reads as under:-

"Heard Sri Rajesh Yadav, learned counsel for the applicant, Sri Gopal Das Srivastava, learned counsel for the first informant, Sri Phool Chandra Singh, learned A.G.A. for the State and perused the material on record.

This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Sandhya Maurya, seeking enlargement on bail involved in Case Crime No.196 of 2020, under Section 302, 201/34 I.P.C., registered at Police Station Sarai Khwaja, District Jaunpur.

Learned counsel for the applicant argued that the present case is a case of circumstantial evidence. It is argued that there is no eye-witness of the incident. It is argued that there is no evidence whatsoever to connect the applicant with the crime

in question. It is argued that the applicant has no motive to commit the aforesaid offence. The dead-body of the deceased was found in a well which was situated at a distance of 100 metres away from the house of the applicant and as such the implication of the applicant on the basis of the same is totally a concoction. It is further argued that co-accused Suraj Kumar has been granted bail by coordinate Bench of this Court vide order dated 23.3.2021 passed in Criminal Misc. Bail Application No.49079 of 2020. It is further argued that the applicant is a lady and is having no criminal history as stated in para 18 of the affidavit and is in jail since 20.8.2020.

Per contra learned counsel for the first informant and learned A.G.A vehemently opposed the prayer for bail and argued that as per the prosecution case as stated in the FIR itself, the deceased was called by the applicant to her house on the pretext of purchasing some ornaments. The dead-body of the deceased was found near the house of the applicant and in the drain which was having the flow there inside the house was found to have had blood in it which was collected by the Investigating Officer and sample has been taken. It is further argued that even on the pointing out of the applicant the ornaments of the deceased were recovered from the kitchen of the house. In the post-mortem report, as many as seven injuries have been found by the doctor and the cause of death has been opined as hemorrhage, shock and coma as a result of antemortem strangulation and incised head and chest injuries. It is argued that postmortem was conducted on 19.8.2020 at 4.35 p.m. and the time since death has been opined to be within one day which also correspondence to that of the time of the deceased being called and going to the house of the applicant and as such the death had occurred thereupon after the deceased was called by the applicant, as such the applicant is involved in the present case and the bail application be rejected.

After hearing the counsel for the parties and perusing the record, it is apparent that the applicant is named in the first information report and role has been assigned to her of calling the deceased to her house on the pretext of purchasing some ornaments. The investigation shows that blood has been seen by the Investigating Officer coming out from the drain of the house of the applicant which has been collected by the forensic team. There is recovery of jeweleries of the deceased on the pointing out of the applicant from her kitchen. The role is specific of the applicant. The duration of time between the deceased leaving his house on being called by the applicant and the time since death as opined by the doctor while conducting postmortem report is too less to suggest any other intervening circumstance which may have been the reason and cause for his death.

Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is rejected.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

The computer generated copy of such order shall be self attested by the counsel of the party concerned.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing."

8. The present second bail application has been filed on which it is argued that the statements of the witnesses recorded in the trial be appreciated, the same cannot be done in a bail application as it is for the trial court to do at the appropriate stage. Para nos.16, 17 and 18 on which attention has been drawn by learned counsels opposing the bail application goes to show that the applicant was the person who had cleaned the blood from the floor and also had the ornaments with her. There is no fresh and new ground argued.

9. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is rejected.

(Samit Gopal, J.) Order Date :- 30.4.2025 Gaurav Kuls