

# **Leelawati vs State Of U.P. Trhu. Prin. Secy. Home ... on 13 January, 2025**

**Author: Rajesh Singh Chauhan**

**Bench: Rajesh Singh Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:2168

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 210 of 2025

Applicant :- Leelawati

Opposite Party :- State Of U.P. Trhu. Prin. Secy. Home Govt. Lko

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Shri Ramakar Shukla, learned counsel for the applicant and Shri Diwakar Singh, the learned Additional Government Advocate for the State.

2. As per learned counsel for the applicant, the present applicant (Leelawati) is languishing in jail since 03.08.2024 in Case Crime No.235 of 2024, under Sections 115 (2), 352, 109, 103 & 3(5) of Bhartiya Nyaya Sanhita, 2023 (henceforth referred to as the "B.N.S."), Police Station-Gauriganj, District-Amethi.

3. Learned counsel for the applicant has submitted that the present applicant has falsely been implicated in this case as she has not committed any offence as alleged in the prosecution story.

4. Attention has been drawn towards the impugned First Information Report (in short F.I.R.) which indicates that for the alleged incident dated 01.08.2024 the F.I.R. has been lodged on 03.08.2024 levelling allegations against the present applicant, her father and one unknown person. As per the prosecution story, the deceased who was a young person of 27 years, was having illicit relation with the present applicant and the present applicant has allegedly called the deceased on 01.08.2024 to a particular place where her father and other family members assaulted him brutally through stick, iron rod, kicks and fists. The deceased received serious injuries and was admitted to hospital where he died on 06.08.2024. The statement of the deceased was not recorded by the Doctor or any other person. There is no eye witness account except one Kuldeep Pal S/o Sri Ram Kumar Pal, whose statement has been enclosed as Annexure No.6 with the bail application, which also indicates that he has not seen the present applicant assaulting the deceased. He has stated that the father of the present applicant, the present applicant and one Dharm Raj have beaten the deceased. The statement of the complainant Ram Kumar has been annexed as Annexure No.5. Ram Kumar is the father of the deceased who has also stated that he came to know through reliable sources that his son was having illicit relation with the present applicant and on her call his son went to the place where the present applicant was waiting him and at that place the present applicant, her father and other family members have beaten his son brutally. He is not an eye witness and the statement of the father of the deceased is based on hearsay evidence which may be tested during the course of trial.

5. Sri Ramakar Shukla, has stated that if the prosecution story is taken on its face value, in that case the present applicant might have not called the deceased at a particular place where her father and other family members were present. As a matter of fact, no one has seen the present applicant assaulting the deceased. The charge-sheet has been filed in this case. The present applicant is having no prior criminal history of any kind whatsoever and he undertakes on behalf of the present applicant that if she is granted bail she shall not misuse the liberty of bail and she shall abide by all terms and conditions of the bail order and shall cooperate in the trial proceedings properly. Besides, the present applicant being a lady may be given benefit of Section 480 B.N.S.S.

6. On the other hand, learned Additional Government Advocate has, however, 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, she is not entitled for grant of bail, but he could not dispute the aforesaid contention of learned counsel for the applicant.

7. Having heard learned counsel for the parties and having perused the material available on record; considering the fact that the alleged incident is of 01.08.2024 whereas the impugned F.I.R. has been lodged on 03.08.2024; the deceased was admitted to hospital where he died on 06.08.2024 but the statement of the deceased was not recorded by the Doctor or any other person; no one has seen the present applicant assaulting the deceased; there is no eye witness account of the incident in question; the charge-sheet has been filed in this case; the present applicant is having no prior criminal history of any kind whatsoever and the undertaking that she shall not misuse the liberty of

bail and shall abide by all terms and conditions of the bail order and shall cooperate in the trial proceedings properly; besides, the present applicant being a lady may be given benefit of Section 480 B.N.S.S., without expressing any opinion on merits of the case, I am of the view that the present applicant may be released on bail in this case.

8. Accordingly, the instant bail application is allowed.

9. Let the applicant (Leelawati) be released on bail in the aforesaid case crime number on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(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.

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[Rajesh Singh Chauhan,J.] Order Date :- 13.1.2025 Suresh/