

Smt. Sarila @ Sarla vs State Of U.P. Thru. Prin. Secy. Home Lko. 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-LK0:2121

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 201 of 2025

Applicant :- Smt. Sarila @ Sarla

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

Counsel for Applicant :- Rajesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the applicant and the learned Additional Government Advocate for the State.

2. As per learned counsel for the applicant, the present applicant (Smt. Sarila @ Sarla) is languishing in jail since 26.09.2024 in F.I.R./Case Crime No.250 of 2024, under Sections 80 (2), 85 & 92 of Bhartiya Nyaya Sanhita, 2023 (henceforth referred to as the "B.N.S.") and Section 3/4 of Dowry Prohibition Act, Police Station-Baldiray, District-Sultanpur.

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. Learned counsel for the applicant has further submitted that in the First Information Report (in short F.I.R.), no specific role has been assigned to the present applicant as general role has been assigned to all the accused persons. The cause of death is hanging due to anti-Mortem hanging. There is no independent eye witness account in the incidence in question. As a matter of fact, the present applicant, who is the mother-in-law of the deceased, was having cordial relations with her daughter-in-law and she has never demanded any dowry from her or her family members. She has nothing to do with the family affairs of her son and his wife. There is no criminal history of any kind whatsoever against the present applicant. The co-accused, Radhey Shyam Pandey, has been granted bail by this Court vide order dated 22.11.2024 passed in Criminal Misc.Bail Application No.12202 of 2024; Radhey Shyam Pandey vs. State of U.P., therefore, on the basis of principles of parity, the present applicant may be enlarged on bail. Learned counsel for the applicant has undertaken that the applicant shall not misuse the liberty of bail, if so granted by this Court and there is no apprehension of absconding her and she shall abide by all terms and conditions of the bail order and shall cooperate with the investigation/ trial proceedings properly. Besides, the present applicant being a lady may be given benefit of Section 480 B.N.S.S.

5. 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.

6. Having heard learned counsel for the parties and having perused the material available on record; considering the fact that the present applicant is a mother-in-law and no specific role has been attributed to the present applicant; the fact that the co-accused, Radhey Shyam Pandey, has been granted bail by this Court vide order dated 22.11.2024 (supra); there is no criminal history against the present applicant and the undertaking that the applicant 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 investigation/ trial proceedings properly; the fact that 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.

7. Accordingly, the instant bail application is allowed.

8. Let the applicant (Smt. Sarila @ Sarla) 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.

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