

# Ramkumari vs State Of U.P. Thru. Addl. Chief Secy. ... on 16 January, 2025

**Author: Rajesh Singh Chauhan**

**Bench: Rajesh Singh Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:3073

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 391 of 2025

Applicant :- Ramkumari

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

Counsel for Applicant :- Shubham Tripathi,Aditya Vikram Singh,Inam Uddin Ahmed

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Aditya Vikram Singh, learned counsel for the applicant and Sri Hari Shankar Maurya, learned A.G.A. for the State.

2. As per learned counsel for the applicant, the present applicant is languishing in jail since 17.10.2024 in Case Crime No.330 of 2024, under Sections 80/ 85 of Bhartiya Nyaya Sanhita, 2023 (henceforth referred to as the "BNS") and Section 3/4 of Dowry Prohibition Act, Police Station- Majhila, District- Hardoi.

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 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. There is no ante-mortem injury except one ligature mark all around the neck of the deceased. The cause of death is 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 apprehension of her absconding or tampering with the evidence, if she is released on bail. There is no criminal history of any kind whatsoever against the present applicant. Learned counsel for the applicant has undertaken on behalf of the applicant that the applicant shall not misuse the liberty of bail, if so granted by this Court and shall abide by all terms and conditions of the bail order and shall cooperate with the investigation/ trial proceedings properly.

5. Learned counsel for the applicant further submitted that no specific role has been attributed to the applicant and she being a lady may be given the benefit of Section 437 Cr.P.C.. It is also stated that co-accused Ramkumar, who is the father-in-law of the deceased has already been enlarged on bail by this Court vide order dated 06.12.2024 passed in Criminal Misc. Bail Application No. 12664 of 2024 (Ramkumar Vs. State of U. P.) and the applicant is also entitled for bail on the ground of parity.

6. 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. Therefore, without expressing any opinion on merits of the case and considering the submissions of learned counsel for the parties and having perused the material available on record; considering the fact that no specific role has been attributed to the present applicant; co-accused Ramkumar, who is the father-in-law of the deceased has already been enlarged on bail by this Court vide order dated 06.12.2024 passed in Criminal Misc. Bail Application No. 12664 of 2024 (Ramkumar Vs. State of U. P.); there is no criminal history of any kind whatsoever against the present applicant; the undertaking that the applicant shall not misuse the liberty of bail and shall abide by all terms and conditions of the bail order and shall cooperate with the investigation/ trial proceedings properly, I am of the opinion that the present applicant may be enlarged on bail.

8. Accordingly, the bail application is allowed.

9. Let the present applicant Ramkumari be released on bail in the aforesaid case crime number on her furnishing a personal bond of Rs.50,000/- with 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 of the Indian Penal Code.

(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. 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 of the Indian Penal Code.

(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. 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.

(v) The present applicant shall not leave the country without prior permission of the Court.

10. It is made clear that since the present applicant has been granted bail considering the fact that she is a lady and no specific role has been attributed to the present applicant and she being a lady is given the benefit of Section 437 Cr.P.C., therefore, the parity of this order may not be claimed by the other co-accused persons.

(Rajesh Singh Chauhan,J.) Order Date :- 16.1.2025 (Manoj K.)