

Court No. - 54

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5431 of 2018

Applicant :- Smt. Phoolan Devi

Opposite Party :- State Of U.P.

Counsel for Applicant :- Aklank Kumar Jain

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

Heard Sri Aklank Kumar Jain, learned counsel for the applicant and Sri S.A.S. Abidi, learned AGA for the State.

This is an application for bail on behalf of **Smt. Phoolan Devi** in Case Crime No. 131 of 2017, under Sections 498A, 304B IPC and Section 3/4 of D.P. Act, P.S. Nagla Khangar, District Firozabad.

The submission of the learned counsel for the applicant is that the applicant is the mother-in-law; that there are general allegation against five members of the family of setting the deceased afire; that the information has been given to the first informant about the occurrence by the elder daughter who is married to the applicant's elder son; that in fact the deceased has committed unabettted suicide on account of issues with her husband not with the applicant who is living in a separate portion of the house; that the crime does not fit into the outlook of the family is evident from the fact that the first informant's elder daughter who is alleged to have passed on information mentioned in the FIR is living happily with the applicant's elder son with no trouble from her husband or in-laws including the applicant; that this fact in the submission of the learned counsel for the applicant is an index of the falsity of the prosecution, which appears to have been ill advised; that informant's elder daughter married to the applicant's elder son has submitted an affidavit to the S.S.P. Firozabad, copy of which is annexed as Annexure-4 clearly stating that her younger sister Smt. Babli has committed suicide by pouring kerosene on her person; and, that the applicant is a respectable woman with no criminal history, who is in jail since 02.01.2018.

Learned AGA has opposed the plea for bail. He submits that it is a case of an unnatural death of a wife within seven years of marriage in her matrimonial home with an antecedent dowry demand and that, therefore, the applicant is not entitled to bail.

Considering the overall facts and circumstances of the case, the

nature of allegations, the gravity of the charge, the severity of the punishment, the relationship of the applicant to the deceased but without expressing any opinion on merits, this Court finds it to be a fit case for bail.

Accordingly, the bail application stands **allowed**.

Let the applicant **Smt. Phoolan Devi** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate concerned with the following conditions:

1. The applicant shall not tamper with the prosecution evidence.
2. The applicant shall not pressurize the prosecution witnesses.
3. The applicant shall appear on the date fixed by the trial Court.
4. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of default of any of the conditions enumerated above, it is open to the opposite party to approach this Court for cancellation of bail.

Order Date :- 15.2.2018

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