

Shiv Kumar Vs. State of U.P.

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Court : Allahabad

Decided On : Jan-25-1999

Reported in : 1999CriLJ3371

Judge : M.L. Singhal, J.

Acts : Indian Penal Code (IPC) - Sections 304B and 498A; Dowry Prohibition Act - Sections 3 and 4

Appeal No. : Misc. Bail Appln. No. 47 of 1999

Appellant : Shiv Kumar

Respondent : State of U.P.

Advocate for Def. : A.G.A.

Advocate for Pet/Ap. : Onkar Singh, Adv.

Judgement :

ORDER

M.L. Singhal, J.

1. I have heard the learned counsel for the accused-applicant and the learned A.G.A. for the State.

2. It is alleged that on 31 -5-1998 the accused-applicant, husband of the deceased, along with his father and mother, on account of dowry demand set fire to the deceased resulting in her death. Undisputedly, the marriage took place 4-5 years before. There are several allegations of demand of dowry. There is no evidence that soon before her death the deceased was subjected to cruelty or harassment by the applicant or his any relative in connection with the demand of dowry. The recitals in the First Information Report state that the applicant himself admitted the deceased in the hospital. The allegations in the FIR also show that the parents of the deceased were duly informed. The aforesaid acts of the accused are ; inconsistent with the guilt of the accused-applicant.

3. The accused-applicant Shiv Kumar in Case Crime No. 95 of 1998 under Section 498A/304B, I.P.C. and 3/4, Dowry Prohibition Act, P.S. 'Bhopa, District Muzaffarnagar shall be admitted to bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate concerned.

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