

Jalal-uddIn Vs. State of U.P.

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Court : Allahabad

Decided On : Aug-24-2006

Reported in : I(2007)DMC280

Judge : Vinod Prasad, J.

Appellant : Jalal-uddin

Respondent : State of U.P.

Advocate for Pet/Ap. : Dr. Arun Srivastava

Disposition : Application dismissed

Judgement :

Vinod Prasad, J.

1. The applicant Jalal-Uddin has filed this application for his release on bail in Crime No. 466 of 2005 under Sections 302/201, IPC, Police Station Jahanabad, District Pilibhit.

2. The prosecution allegations are that Aslam son of Itwari lodged a report at Police Station Jahanabad on 13.6.2005 at 8.30 a.m. with the allegations that his Bhabhi Smt. Rehana Begum @ Sultari (deceased), wife of applicant Jalal-Uddin had gone to attend the call of nature at 2 a.m. in the night but she did not return back. She was searched but could not be traced out. Next morning villagers

informed that a dead body of a lady is lying in the Chari field which was identified to be that of the deceased. The autopsy of the deceased revealed that there was Sari ligature mark around her neck and the blood was oozing out from her vagina which was swollen and she had abrasion and multiple abrasions on her body. The investigation revealed that it was the applicant who had strangled to death his own wife and subsequently inserted a rod in her private part and then with the help of his brothers lifted her corpse and threw it in the field. The investigation further revealed that no rape was committed on the deceased as her vaginal smear slide did not establish that. Investigation further revealed that to give it a shape of murder with rape the payal and lota was planted by the applicant accused with the help of his brother informant Aslam and neighbour Nathu Lal. At the pointing out of the applicant the rod which was inserted in the private part of the deceased was recovered from his house which was blood stained. On this factual matrix the applicant has applied for bail.

3. I have heard Dr. Arun Srivastava, learned Counsel for the applicant and the learned AGA in opposition. Learned Counsel for the applicant submitted that it was case of circumstantial evidence without an eye-witness account. He further contended that after a gap of many days that two witnesses sprang up to state the fact that they had seen the applicant throwing the dead body in the field and of last seen. He further argued that there is no motive for the applicant to commit the murder of his own wife. He further submitted that Khairati who claims himself to be an eye-witness of the incident is a got up witness and his statement was recorded after a gap of more than a month.

4. Learned AGA contrarily argued that it was the applicant who had committed the murder of his own wife because he never desired to allow the deceased to visit her parental house and because of that not only he murdered his wife but also entered into blasphemy of inserting a rod in her private part to obliterate his crime and to give it a colour of assault and rape. He further contended that even a false FIR was got lodged by the co-accused to cover up their crime which was surfaced during the investigation and it was at the pointing out of the applicant that the blood stained rod, which was inserted in the private part of the deceased was recovered from his house and the deceased was strangled to death and there

are eye-witnesses' account of the crime.

5. I have considered the contentions of the rival sides and have gone through the record of the bail application and the case diary. In this case the applicant in a most brutal and inhuman manner committed the murder of his own wife and then cooked up a false story with the help of his brother to cover up the crime committed by him. There is no reason for his false implication and his complicity in the crime can not be said to be without any basis. The applicant does not deserve bail.

The bail prayer of the applicant is declined and his bail application is rejected.

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