

Smt. Sumrati Devi. Vs. State of Uttar Pradesh (U.P.).

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Court : Allahabad

Decided On : Aug-03-2010

Judge : Arvind Kumar Tripathi, J.

Acts : Indian Penal Code (IPC) - Sections 326, 498A, 120B; Dowry Prohibition Act - Section 3, 4

Appeal No. : CRIMINAL MISC. BAIL APPLICATION No. - 12795 of 2010

Appellant : Smt. Sumrati Devi.

Respondent : State of Uttar Pradesh (U.P.).

Advocate for Pet/Ap. : S.K. Dubey, Adv.

Judgement :

1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.
2. Learned counsel for the applicant submitted that it was an accidental burn. The injured was got admitted by the husband in the hospital. The complaint was made after a month of the alleged incident. Apart from that the applicant is mother-in-law and she was living separately. The husband and wife were living separately. A copy of the rashan card has been annexed as annexure-5 to this application.
3. However, the applicant is in jail since 23.4.2010. In view of the fact and being lady she is entitled for bail.

4. Learned A.G.A. and complainant opposed the aforesaid prayer of bail on the ground that there was clear allegation against the applicant along with the co-accused that they poured petrol and set her on fire. On hearing her cry she was got admitted in the hospital by the persons who reached on the spot. On the complaint to the Human Right Commission and Higher Authorities the First Information Report was lodged. Since there is clear allegation against the applicant and co-accused, hence the applicant is not entitled for bail. From the medical report it is clear that she was admitted by the husband and it was mentioned that she received injuries while cooking food apart from that she is lady and in jail since 23.4.10.

5. In view of the above, without expressing any opinion on merit, it is a fit case for bail.

6. Let the applicant Smt. Sumrati Devi be enlarged on bail on her furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned in Case Crime No.474/09 under Sections 326, 498A, 120B I.P.C. and 3/4 D.P. Act, PS. Dankaur, District G.B. Nagar.

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