

Gulab Devi Vs State of U.P.

Court: Allahabad High Court (Lucknow Bench)

Date of Decision: June 10, 2009

Hon'ble Judges: Alok Kumar Singh, J

Final Decision: Allowed

Judgement

Alok K. Singh, J.

Heard the learned counsel for the applicant, learned A.G.A. and perused record.

The applicant is involved in Complaint Case No.320 of 2008, under Sections 419, 420, 468, 471 I.P.C., Police Station Kotwali Ayodhya,

District Faizabad.

It is submitted on behalf of the applicant that all the offences are triable by Magistrate and not of very grave nature. The bail application has been

rejected by the court below on the basis of certain documents such as family register etc. of the village in which the applicant has been shown to be

a wife of another person and not of Ram Narain Das. The learned counsel for the applicant draws the attention of the Court towards the voter

identity card prepared in the year 1995 (Page 41), passbook of Faizabad Cooperative Bank (Page 39) etc. wherein she has been shown as wife

of Ram Narain Das. The voter identity card is about 13 years old, therefore its authenticity cannot be doubted, it is submitted. It is quite possible

that earlier she might have been married to another person but the fact of the matter remains that for the last about 12-13 years she has been shown

as wife of Ram Narain Das. It is further submitted that Mujjahirnama (sort of declaration by several persons of the village) wherein she has been

shown as wife of late Mahendra Narain Das and her son Bharat as their son is a subject matter of the F.I.R. in question. It is further added that

earlier said Mahendra Narain Das was murdered in respect of which the applicant had lodged a report naming three persons. After investigation

the chargesheet was filed and the murder case is still pending. It is said that with a view to exert pressure upon her this F.I.R. has been filed. It is

said that the first informant of the present F.I.R. is a Sadhu in the temple of Raj Kumar Das who is one of the accused in the aforesaid murder

case. It is said that there is no criminal history against her. Besides that she is a lady.

The bail is however, opposed by learned A.G.A.

The points pertaining to nature of accusation, danger of accused absconding or fleeing if released on bail, character, behaviour and position of the

accused, severity of punishment, reasonable apprehension of tampering the witnesses, prima facie satisfaction regarding proposed evidence and

genuineness of the prosecution case were duly considered.

In view of the aforesaid facts and circumstances and without entering into the merits of the case and and having regard to the discussion made

hereinabove, I find it to be a fit case for granting bail. Let the applicant (Gulab Devi) be enlarged on bail on her furnishing a personal bond and two

sureties in the like amount to the satisfaction of the Magistrate/court concerned.