

(2009) 04 AHC CK 0148**Allahabad High Court****Case No:** None

Sheela and another

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: April 22, 2009

Hon'ble Judges: Amar Saran, J and Dasu Ram Azad, J

Final Decision: Disposed Of

Judgement

D.R. Azad, J.

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

Learned A.G.A has filed written objection. Keep it on record.

Prayer for bail has been made in Criminal Appeal No. 870 of 2009 by Smt. Sheela, Neetu and Ram Prakash and on behalf of Dinesh in Criminal Appeal No. 421 of 2009. Since both these appeals relate with the same crime and same incident as such, they are being disposed of by this common judgment.

The appellants have prayed for bail in these criminal appeals arising out of their conviction under Sections 304B, 498A I.P.C. and Section 3/4 of Dowry Prohibition Act. They have been convicted and sentenced in the aforesaid sections by judgment and order dated 16.1.2009 passed by the learned Addl. Sessions Judge, Fast Track Court No. 1, Firozabad in S.T. No. 84 of 2005.

Smt. Sheela is the motherinlaw, Ram Prakash is the fatherinlaw, Neetu is the Nanad and Dinesh is husband of Smt. Renu. The death of Smt. Reenu took place after two and half years of the marriage. However, it is argued by the learned counsel for the appellants that as per the post mortem report, it appears that the cause of death is hanging , although the doctors who have conducted the post mortem have not expressed his clear opinion whether the cause of death is hanging or strangulation but as there was no fracture to any of the bones of the neck, although there was

abrasion on the lip of deceased Renu, it cannot be ruled out that the deceased died as the result of hanging.

It has been further argued by the learned counsel for the appellant that admittedly the information was given to Ram Prakash fatherinlaw of the deceased to the family members of the deceased and they reached to the spot and then they proceeded to lodge a first information report , as such, it was not a case of hurried disposal of the dead body.

Learned A.G.A. Points out that two days prior to the incident, the deceased was brought to her Sasural from his Maika. The post mortem also shows 4 months pregnancy of the deceased . There is also allegation for demand of dowry and motor cycle against the appellants but it is argued by the learned counsel for the appellants that there are no allegations of dowry being demanded immediately before the death of the deceased.

In this view of the matter and without expressing any opinion on the merits of the case, let the appellants Smt. Sheela, Neetu and Ram Prakash convicted and sentenced in S.T. No. 84 of 2005 be released on bail on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court below. However, the bail prayer of the appellant Dinesh is rejected.