
(2006) 11 AHC CK 0175

Allahabad High Court

Case No: Criminal Miscellaneous Bail Application No. 19381 of 2006

Jai Singh

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Nov. 15, 2006

Acts Referred:

- Penal Code, 1860 (IPC) - Section 304, 304A

Citation: (2007) 2 ACR 1482

Hon'ble Judges: Ravindra Singh, J

Bench: Single Bench

Advocate: Mahendra Pratap, for the Appellant; A.G.A. and Atul Kumar, for the Respondent

Final Decision: Dismissed

Judgement

Ravindra Singh, J.

This application has been filed by the applicant Jai Singh with a prayer that he may be released on bail in Case Crime No. 104 of 2006, u/s 304, I.P.C., P.S. Sarai Inayat, district Allahabad.

2. The prosecution story, in brief, is that the F.I.R. of this case has been lodged by Smt Amrawati, the mother of the applicant on 5.7.2006 at 9.00 p.m. in respect of the incident which had occurred on 4.7.2006 at about 4.00 p.m. alleging therein that the deceased was father of the applicant. He was habitual drunkard and had mortgaged his land, due to this reason he was beaten by the applicant and co-accused Ravi, consequently, he received injuries. He was taken to a Nurshing Home, where he succumbed to his injuries on 5.7.2006 at about 8.00 a.m., thereafter, the F.I.R. was lodged by the mother of the applicant. According to the post mortem report the deceased had received 13 ante mortem injuries caused by hard and blunt object. There was fracture on occipital bone and left side 6th rib.

3. Heard Sri Mahendra Pratap, learned Counsel for the applicant, learned A.G.A. for the State of U.P. and Sri Atul Kumar, learned Counsel for the complainant.

4. It is contended by the learned Counsel for the applicant that the applicant is the son of the deceased. The father of the applicant was gambler and he has mortgaged his land, that is why some quarrel had taken place in which injuries were caused to the deceased. The act of the applicant was rash and negligent, at the most the offence u/s 304A, I.P.C. is made out against the applicant and there was no reason to commit the murder of his father. The applicant is innocent and the deceased has sold 30 bighas of his land and the rest of the land was mortgaged by him only for the purpose of consumption of liquor. The applicant was earning his livelihood at Bombay. In case the applicant is released on bail he shall not tamper with the evidence and he is having no criminal antecedent.

5. In reply of the above contention the learned A.G.A. submits that the applicant is son of the deceased. The F.I.R. of this case has been lodged by the mother of the applicant. The deceased has received 13 injuries caused by hard and blunt object. The injuries were caused in a brutal manner. The occipital bone and left 6th rib were fractured due to injuries caused on the person of the deceased. The prosecution story is fully corroborated by the witnesses. There was no reason for causing such injuries to the deceased, therefore, the applicant is not entitled for bail.

6. Considering the facts, circumstances of the case, submissions made by the learned Counsel for the applicant, the learned A.G.A. and considering the fact that the applicant has committed the murder of his father by causing numerous injuries on his person, the F.I.R. has been lodged by the mother of the applicant, the gravity of the offence is too much and without expressing any opinion on the merits of the case the applicant is not entitled for bail, therefore, the prayer for bail is refused.

7. Accordingly, the bail application is rejected.