

(2005) 09 AHC CK 0219

Allahabad High Court

Case No: Criminal Miscellaneous Bail Application No. 8924 of 2005

Kaptan Singh Raghav and Smt.
Neelam Raghav (In Jail)

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Sept. 9, 2005

Acts Referred:

- Dowry Prohibition Act, 1961 - Section 3, 4
- Penal Code, 1860 (IPC) - Section 307, 323, 324, 498A, 506

Citation: (2005) 2 DMC 871

Hon'ble Judges: Ravindra Singh, J

Bench: Single Bench

Advocate: M.P.S. Chauhan and Akhilesh Srivastava, for the Appellant; R.P. Singh and A.G.A., for the Respondent

Judgement

Ravindra Singh, J.

Heard Sri M.P.S. Chauhan learned counsel for the applicant, learned A.G.A. and Sri R.P. Singh learned counsel for the complainant.

2. This application is filed by the applicant Kaptan Singh Raghav with a prayer that the applicant may be released on bail in case Crime No. 138 of 2005, under Sections 498A, 323, 324, 307, 506 I.P.C. and Sections 3/4 Dowry Prohibition Act P.S. Quarsi, District Aligarh.

3. From the perusal of the record it appears that in the present case the F.I.R. was lodged by one Smt Anita Raghav the daughter-in-law of the applicant on 24.2.2005 at 1.30 a.m. in respect of the incident which had occurred from 23.2.2005 to 28.2.2005.

4. According to prosecution version the applicant was demanding a sum or Rs. One lac as dowry. To fulfill the demand of dowry the first informant was subjected to

cruelty and the applicant was pressurizing the first informant for leaving the house and in case the demand of dowry was not fulfilled she will be murdered. Prior to the alleged occurrence the applicant has made murderous assault on the person of the first informant on 31.1.2005. Its report was lodged at the police station Quarsi. In the night of 23.2.2005 at about 12.00 O" clock the applicant and other came in the room of the first informant and started beating. She was beaten by Smt Neelam Raghav by using kicks and fists blows. Thereafter, the applicant Kaptan Singh used knife blows. Consequently, the first informant received injuries on her neck and right hand. Due to injuries received by her there was a profused bleeding. Then the first informant ran away to save her life. Co-accused Vijay Raghav hurled abuses and fired by country made pistol, fortunately the shot fired by him did not hit the first informant. At hue and cry made by the husband of the first informant, other persons came at the place of the occurrence.

5. From the perusal of medical examination report it appears that Smt Anita Raghav daughter-in-law of the applicant received five visible injuries in which the injury No. 1 and 2 were incised wound on the right side of the neck, both the injuries were caused by the sharp edged weapon. The injuries No. 3,4, and 5 were abrasion and contusion. Injury No. 6 was complain of pain. During the investigation the statements of the first informant and other witnesses including Ajai Pratap Raghav the son of the applicant was recorded. They have fully supported the prosecution story.

6. It is contended by the learned counsel for the applicant that the injuries received by the injured are simple in nature and there was no demand of dowry. The applicant is father-in-law of the first informant. The injured has been discharged from the hospital on 6.12.2004 in hale and hearty condition.

7. It is opposed by learned A.G.A. and the learned counsel for the complainant by submitting that the injured who is the daughter-in-law of the applicant has received five visible injuries, out of which injuries No. 1 and 2 were caused by knife which were on the neck, the vital part of the body. Prior the alleged occurrence also murderous assault was made on the person of the injured in which she has received grievous injury and the son of the the applicant has also supported the prosecution story. He has given statement against the applicant. In such circumstances there is no reason of false implication of the applicant.

8. Considering the facts and circumstances of the case and submissions made by the learned counsel for the applicant, learned A.G.A. and learned counsel for the complainant and without expressing any opinion on the merits of the case, I am of the view that the applicant Kaptan Singh who caused knife injury on the person of the injured, is not entitled for bail, at this stage.

9. Therefore, the prayer for bail in respect of applicant Kaptan Singh is refused.

10. Accordingly, this bail application is finally disposed of.