

(2010) 07 DEL CK 0404**Delhi High Court****Case No:** Bail Application 1015 of 2010

Santosh Kumari

APPELLANT

Vs

The State

RESPONDENT

Date of Decision: July 15, 2010**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Penal Code, 1860 (IPC) - Section 302, 307, 34, 452

Hon'ble Judges: S.N. Dhingra, J**Bench:** Single Bench**Advocate:** J.S. Kushwaha, for the Appellant; R.N. Vats, APP, for the Respondent**Final Decision:** Dismissed**Judgement**

@JUDGMENTTAG-ORDER

Shiv Narayan Dhingra, J.

This bail application u/s 439 Cr.P.C has been made by the petitioner for grant of bail. The accused/applicant is facing trial u/s 302/307/452 read with Section 34 of Indian Penal Code. The allegations against the accused/petitioner are that on 20th July, 2007, the accused along with other co-accused persons came to the house of complainant Shanti Devi who was sitting at the door of her house with her sister Kamla Devi (since deceased). This gang of accused persons was having kerosene oil in a bottle, danda on which a cloth was wrapped. As per allegations this accused along with other accused persons caught hold of the deceased Kamla Devi and kerosene oil was poured on her and she was set on fire. When daughters of deceased tried to save them, they were threatened that they would also be burnt if they would not come forward. In the meantime, crowd gathered there and the accused persons ran away from the spot. Of the two persons who were set on fire, one died and the other is complainant who had also received burn injuries. The testimony of eye witness has been recorded and the eye witness has supported the

prosecution case and shown the involvement of the accused in murder of deceased and attempt to murder to complainant. The testimony of other witnesses is going on before the trial court. Looking at the seriousness of the offence and gruesome manner in which the two women were sought to be burnt and one of them actually burnt and died, I consider that the petitioner/accused is not entitled for bail. The application for bail is hereby dismissed.