

(2011) 06 AHC CK 0077
In the Allahabad High Court

Dhiraj Kumar Sharma @ Shashi Bhushan Sharma	APPELLANT
Vs	
State of U.P.	RESPONDENT

Date of Decision : 21-06-2011

Acts Referred:

Citation : (2011) 06 AHC CK 0077

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Allowed

Judgement

Bala Krishna Narayana, J.—Heard learned counsel for the appellant and learned A.G.A.

2. The present criminal appeal has been filed against the Judgment and order dated 04.05.2011 passed by learned Additional Sessions Judge, Court No.10, District Varanasi in Sessions Trial No. 215 of 2007, convicting the appellant, under Sections 306, 498A IPC and Section 4 of Dowry Prohibition Act, and sentencing him to rigorous imprisonment of 6 years along with fine of Rs.10,000/ and in default in payment of fine further simple imprisonment of 4 months.

3. Submission of the learned counsel for the appellant is that the appellant is in jail since 13.02.2007 and he has already served substantial part of the sentence awarded to him and he is entitled to be released on bail during the pendency of the appeal. It is next contended that the appeal is not likely to be heard in near future.

4. In support of this contention learned counsel for the appellant placed reliance in Salim Javed Vs. State of Rajastha, reported in (2006) 2 Supreme Court Cases (Cri) 354 and in the case of Kamal Vs. State of Haryana, reported in (2006) 1 Supreme Court Cases (Cri) 757.

5. Learned A.G.A. opposed the prayer for bail.

6. Admit.

7. Summon the lower Court records.

8. Considering the facts and circumstances of the case, and without expressing any opinion on merits of the case, let the appellant Dhiraj Kumar Sharma @ Shashi Bhushan Sharma, be released on bail on his furnishing a personal bond and two local sureties each of the like amount to the satisfaction of the Court concerned in Sessions Trial No. 215 of 2007, under Sections 306, 498A IPC and Section 4 of Dowry Prohibition Act, Police Station Rohaniya, District Varanasi. As soon as personal and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by the trial Judge concerned to be kept on record of this Appeal.

9. Realization of fine, to the extent of 50% shall remain stayed and remaning 50% of the amount of fine shall be deposited by the appellant within 15 days from the date of their released before the court below. In case, the 50% of the amount is not deposited, then the bail granted to the appellant shall automatically deemed cancelled.