

(2011) 01 GUJ CK 0002

In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 16171 of 2010 in Criminal Appeal No. 148 of 2007

Hajraben Adambhai

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 10-01-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (2011) 01 GUJ CK 0002

Hon'ble Judges : Bankim N. Mehta, J;A.M. Kapadia, J

Bench : Division Bench

Advocate : In Jail, for the Appellant; L.B. Dabhi, Assistant Public Prosecutor for Respondent 1, for the Respondent

Final Decision : Dismissed

Judgement

A.M. Kapadia, J.—Rule. Mr. LB Dabhi, learned Addl. Public Prosecutor waives service of notice of rule on behalf of the Respondent - State of Gujarat.

2. Having regard to the facts of the case, the application is taken up for hearing today.

3. The applicant - convict prisoner, who, by judgment and order dated 21.12.2006 rendered in Sessions CaseNo. 77 of 2005 by the learned Additional Sessions Judge, Junagadh, has been convicted for the offence punishable u/s 302 of the Indian Penal Code and sentenced to life imprisonment, has filed this application through jail, praying to enlarge her on temporary bail for a period of 60 days, to enable her to attend the delivery of her daughter, who is on her family way and her expected due date of delivery is 22/23.12.2010.

4. We have gone through the application and the supporting documents that form part of the application and have considered the submissions advanced by Ms. LB Dabhi, learned Public Prosecutor for the Respondent -State of Gujarat. We have also gone through the jail remarks sheet forwarded by the jail authority.

5. Upon perusal of the jail remarks sheet, we have noticed that the applicant has undergone total period of 4 years and 5 days imprisonment as against the imprisonment for life awarded to him. During that period, she has been enlarged on temporary bail on two occasions and also enjoyed furlough leave on two occasions. Last temporary bail was granted in her favour in the month of November, 2010. That apart, on perusal of the certificate issued by the concerned Hospital, it is seen that the expected due date of delivery of her daughter is 23.12.2010 and that period is now over.

6. In view of this, we are not inclined to grant temporary bail in favour of the applicant.

7. For foregoing reasons, the application fails and it is accordingly rejected. Rule is discharged.