
(2008) 08 AHC CK 0214
In the Allahabad High Court
Case No : Criminal Appeal No. 1120 of 2008

Kalawati	Vs	APPELLANT
State of U.P.		RESPONDENT

Date of Decision : 08-08-2008

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 304B, 498A

Citation : (2008) 08 AHC CK 0214

Hon'ble Judges : Alok Kumar Singh, J

Final Decision : Disposed Of

Judgement

Alok K. Singh, J.—Two electrostat copies of the order dated 4.6.2008 and order dated 2.6.2008 passed by Hon"ble Mr. Justice D.V. Sharma in Crl. Appeal No. 1214 of 2008 and in Crl. Appeal No. 1185 of 2008 submitted today for perusal of this Court, are taken on record.

2. Appeal has already been admitted.

3. Heard arguments on the prayer for bail and perused lower Court record.

4. The appellant has been convicted in Sessions Trial No. 474 of 2000 and sentenced as under:

Under section 498A IPC : Two years" R.I. with a fine of Rs. 2000/. In default of payment of fine further to undergo R.I. for six months.

Under section 3/4 D.P. Act : Two years R.I.

Under section 304B IPC : Seven years" R.I.

5. It is submitted on behalf of the appellant that the husband as also the fatherinlaw have already been enlarged on bail by means of the aforesaid two orders. Concededly the allegations against the fatherinlaw and motherinlaw are similar. Therefore, the bail is prayed on the ground of parity itself. It is also said

that during the pendency of trial the appellant was on bail which she has never misused. Learned Counsel for the appellant further submits that speedy justice is the fundamental right of the appellant but the appeal is likely to take few years more in its final disposal.

6. The bail is opposed by the learned A.G.A.

7. In view of the facts and circumstances, without entering into the merits of the case and particularly having regard to the ground of parity, I find it to be a fit case for granting bail. Let the appellant (Smt. Kalawati) be enlarged on bail on her furnishing a personal bond and two sureties in the like amount to the satisfaction of the Magistrate/Court concerned.

8. The sentence of imprisonment shall remain suspended during the pendency of the appeal. But the sentence of fine is not stayed and the same shall be deposited within six weeks from the date of release.