
(2011) 08 UK CK 0005

In the Uttarakhand High Court

Case No : 1st Bail Application No. 649 of 2011

Mohd. Tahir

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 18-08-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 304B, 498A

Citation : (2011) 08 UK CK 0005

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Applicant Mohd. Tahir, who is in jail in connection with Criminal Complaint Case No. 350 of 2011, relating to offences punishable under Sections 498A, 304B and 120B I.P.C. Police Station- Chamba, District Tehri Garhwal has sought his release on bail.

2. Learned Counsel for the applicant submitted that applicant's brother-in-law Mohd. Naseem got married to Shama Praveen(deceased) in the year 2002. In the same year Shama Praveen died unnatural death. A First Information Report, was lodged by the father of the deceased, in which 12 persons were named. But after investigation, charge sheet was filed by the Investigating Officer, against the husband, father-in-law and mother-in-law of the deceased.. They are already convicted. Their appeal is pending in the High Court. It is pointed out that the present criminal complaint was filed against the other persons, who were named in the First Information Report, but against whom Police found that No. offence is made out.

3. Learned Counsel for the applicant further pleaded that applicant has been summoned in the criminal complaint without any material against him, as he is the brother-in-law of the deceased. It is further submitted that applicant lives in Dehradun, where the deceased did not live with her husband.

4. In the above circumstances, without expressing any opinion, as to the final merits of the case, this Court is of the view that applicant deserves bail.

5. The bail application is allowed.

6. Let the applicant Mohd Tahir, be released on bail on his executing a personal bond and furnishing two sureties, each of the like amount, to the satisfaction of Chief Judicial Magistrate, Tehri Garhwal.