

(1999) 09 AHC CK 0018
In the Allahabad High Court
Case No : Writ Petition No. 2707 (M/S) of 1999

Smt. Bhagwati

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-09-1999

Acts Referred:

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

Citation : (2001) 1 ACR 466

Hon'ble Judges : S.K. Phaujdar, J

Bench : Single Bench

Advocate : C.S. Sinha, for the Appellant; G.A., for the Respondent

Judgement

S.K. Phaujdar, J.—Heard the learned Counsel for the Petitioner and the learned A.G.A.

2. It appears that the Petitioner is being prosecuted in Crime No. 455 of 1998, for offences under Sections 498A, 304B, I.P.C. and 3/4 Dowry Prohibition Act, relating to police station Hazratganj, Lucknow. She was arrested by police during investigation and looking to her ill-health she was released on bail. On submission of the charge-sheet she appeared before the Court on 24.4.1999 but the P.O. was absent on that date there was no direction for furnishing the bond by her. On the next date of appearance she absented on medical ground and her exemption for that date was allowed. The case was next fixed on several dates and on her prayer, her personal appearance was exempted. On 17.8.1999, the Court directed her to appear in person. On that date again there was a prayer for exemption from personal appearance which was allowed. It is true that the Petitioner was on bail during investigation but she must file fresh bail bond before the Court below on her appearance. She undertakes to file fresh bail bond by the next date on her appearance.

3. She may be released on bail on her personal appearance in the aforesaid case on such terms and conditions as the C.J.M., Lucknow, may deem fit provided that

in the meantime for her non-appearance no warrant of arrest was issued. In that case it will be open for the Magistrate to consider any prayer for recall of warrant and the circumstance indicating continuing illness of the Petitioner.