
(2006) 05 AHC CK 0029

In the Allahabad High Court

Case No : Criminal Misc. Bail Application No. 6361 of 2006

Smt. Kiran Sharma (In Jail)

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 25-05-2006

Acts Referred:

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

Citation : (2006) 05 AHC CK 0029

Hon'ble Judges : Ravindra Singh, J

Bench : Single Bench

Advocate : Rajiv Gupta and Dileep Gupta, for the Appellant; S.K. Tripathi, Ajatshatru Pandey, L.V. Singh, G.S. Chaturvedi and Mandnu Tripathi and A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

Ravindra Singh, J.—This application is filed by applicant Smt Kiran Sharma with a prayer that she may be released on bail in case crime No. 10 of 2006, under Sections 498A and 304B I.P.C. and Sections 3/4 Dowry Prohibition Act, P.S. Indrapuram, District Ghaziabad.

2. The prosecution story, in brief, is that in the present case the F.I.R. has been lodged by one Bhagwati Prasad Sharma at P.S, Indrapuram on 5.1.2006 at 7.35 a.m. in respect of the incident which had occurred on 5.1.2006 at about 5.45 a.m. The F.I.R. was lodged against the applicant and 3 other co-accused persons. The applicant is mother-in-law of the deceased Smt Poonam. It is alleged that the marriage of the deceased Smt Poonam was solemnized with co-accused Sunil Kaushik the son of the applicant on 6.2.2003. The first informant has given a santro car, a sum or Rs. 3 lac cash and other articles. The total expenses of Rs. 15 lac was done by the first informant in the said marriage, but the in-laws of the deceased were not satisfied with the gifts given in the marriage. They were subjecting the deceased with the cruelty to fulfil the demand of dowry. The first

informant and other tried to persuade the in-laws of the deceased not to harass the deceased, but her in-laws were adamant on demand of dowry. On 5.1.2006 at about 5.45 a.m. the first informant received a telephonic message from Smt Anita that her daughter has died and her dead body was lying in Chandra Laxmi Hospital. According to the post mortem examination report the deceased had received 5 anti mortem injuries and the cause of the death was asphyxia after strangulation.

3. Heard Sri Dileep Kurnar and Sri Rajeev Gupta learned Counsel for the applicant, Sri Lal Vijay Singh learned A.G.A. for the state of U.P. and Sri G.S. Chaturvedi, Senior Advocate assisted by Sri Ajat Shatru Pandey learned Counsel for the complainant.

4. It is contended by the learned Counsel for the applicant that:-

(i) the applicant is mother-in-law of the deceased. She is an old lady. She was residing along with her husband at her own house situated at 17-C/1 Rajendra Nagar, Meerut. The applicant's husband has been working in Modi Rubber Limited. The deceased along with her husband was living in a rental accommodation in Flat No. 711, Mahagun Villa Apartment, Vaishali, Ghaziabad. The aforesaid accommodation was the alleged place of occurrence.

(ii) The applicant was having no concerned with the demand of dowry or cruelty towards the deceased. She has not used any item given as a gift in the marriage of the deceased and she was not living along with the deceased and her husband.

(iii) A suicidal note was recovered from the jacket of the deceased. It shows that she herself committed suicide and the reason of committing the suicide was not demand of dowry or cruelty to fulfil the demand of dowry.

(iv) The applicant is a lady and there are general allegation against the applicant and other co-accused. There is no specific allegation against the applicant, therefore, the applicant may be released on bail.

5. It is opposed by the learned A.G.A. and the learned Counsel for the complainant by submitting that the marriage of the deceased was solemnized on 6.2.2003 and she has been murdered on 5.1.2006. There was demand of dowry. The deceased was subjected to cruelty to fulfil the demand of dowry. The applicant was living at her own residence as well as along with the deceased and her husband and on the date of the alleged occurrence she was present at the rental house of the deceased and her husband and the alleged suicidal note cannot be given any importance because according to the post mortem examination report the deceased had not committed suicide. She was murdered by strangulation and 5 anti mortem injuries were found on her dead body. The allegation made against the applicant and other co-accused persons are serious in nature. In such circumstances the applicant may not be released on bail.

6. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the applicant, learned A.G.A. and learned

Counsel for the complainant and without expressing any opinion on the merits of the case the applicant is not entitled for bail, therefore, the prayer for bail is refused.

7. According this bail application is rejected.