

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS																																							
			<p>CRLA No.785 of 2023 With IA No.1/2023 (Bail Application) <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> Mr. Deep Prakash Bhatt, learned counsel for the appellant/applicant.</p> <p>2. Mr. K.S. Bora, learned Deputy Advocate General for the State.</p> <p>3. This is an appeal under Section 374 Cr.P.C. against the judgment and order dated 27.09.2023/05.10.2023, passed by Additional Sessions Judge, Khatima, U.S. Nagar whereby appellant has been sentenced as under:-</p> <table border="1" data-bbox="671 1048 1509 1798"> <thead> <tr> <th>S. No.</th> <th>Conviction</th> <th>Sentence</th> <th>Fine</th> <th>Sentence in-lieu of fine</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>302/34 IPC</td> <td>Life Imprisonment</td> <td>Rs.10,000/-</td> <td>Six months additional S.I.</td> </tr> <tr> <td>2.</td> <td>201/34 IPC</td> <td>Three years R.I.</td> <td>Rs.5,000/-</td> <td>Three months additional S.I.</td> </tr> <tr> <td>3.</td> <td>364A/34 IPC</td> <td>Life Imprisonment</td> <td>Rs.10,000/-</td> <td>Six months additional S.I.</td> </tr> <tr> <td>4.</td> <td>342/34 IPC</td> <td>One year R.I.</td> <td>Rs.1,000/-</td> <td>One month additional S.I.</td> </tr> <tr> <td>5.</td> <td>120B/34 IPC</td> <td>Life Imprisonment</td> <td>Rs.10,000/-</td> <td>Six months additional S.I.</td> </tr> <tr> <td>6.</td> <td>212/34 IPC</td> <td>Three years R.I.</td> <td>Rs.5,000/-</td> <td>Three months additional S.I.</td> </tr> </tbody> </table> <p>4. As per case of the prosecution on 04.07.2016 information was given by informant-Manju Devi in Police Station Khatima, District Udham Singh Nagar stating therein that her husband-Suraj Chand went out of his home</p>					S. No.	Conviction	Sentence	Fine	Sentence in-lieu of fine	1.	302/34 IPC	Life Imprisonment	Rs.10,000/-	Six months additional S.I.	2.	201/34 IPC	Three years R.I.	Rs.5,000/-	Three months additional S.I.	3.	364A/34 IPC	Life Imprisonment	Rs.10,000/-	Six months additional S.I.	4.	342/34 IPC	One year R.I.	Rs.1,000/-	One month additional S.I.	5.	120B/34 IPC	Life Imprisonment	Rs.10,000/-	Six months additional S.I.	6.	212/34 IPC	Three years R.I.	Rs.5,000/-	Three months additional S.I.
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at 08:00 AM; he made a call from his telephone at afternoon and told the informant that he was not coming for lunch. In the evening at 08:00 PM he again called to the informant not to prepare dinner for him at home and he would come home in the morning. But when he did not come to his home in the morning he was called over his telephone, but his telephone was switched-off and no information regarding his whereabouts were received by his family members.

5. On the basis of the aforesaid FIR a *chick* FIR No.163 of 2016 under Section 365 IPC was registered at Police Station Khatima, District Udham Singh Nagar. Subsequently on pointing out of Lalit Singh Jyala, Pappu Singh Rana and Ishwari Singh, dead body of the husband of the informant, Suraj Chand was recovered from a gutter, who met homicidal death. After investigation charge-sheet was submitted against all the accused persons including the appellant/applicant. After trial the appellant/applicant has been convicted as stated above.

6. Learned counsel for the appellant/applicant strenuously submitted that there is no evidence against her except the call detail of the mobile of accused Lalit Singh Jyala No.9897845303 to the appellant/applicant's No.7830129272. Lalit Jyala/co-accused, since deceased was the real brother of Munni Devi @ Maya Devi and therefore according to learned counsel for the appellant/applicant, it is not strange that the C.D.R. reflected talks between them.

7. It is further submitted by learned counsel for the appellant/applicant that she is a lady and in view of Section 437 of Cr.P.C. 1973 (Section 480 of Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.)) the appellant/applicant

		<p>is entitled to be released on bail, during pendency of this appeal. She is in jail since 05.10.2023.</p> <p>8. <i>Per contra</i>, learned counsel for the State could not show any other evidence against the appellant/applicant from the entire brief, but he submitted that Suraj Chand was kidnapped and then brutally murdered by the appellant/applicant along with other co-accused persons.</p> <p>9. Having considered rival contention of the parties and without expressing any opinion on the final merits of the appeal, we are inclined to release the appellant/applicant-Munni Devi on bail, during pendency of this appeal.</p> <p>10. Accordingly, the bail application is allowed. Let applicant – Munni Devi be released on bail, on her executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned.</p> <p>11. List this case in due course.</p> <p>(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.) 06.08.2024</p> <p>SK</p>
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