

Court No. - 1

Case :- CRIMINAL APPEAL No. - 1494 of 2019

Appellant :- Monu

Respondent :- State Of U.P.

Counsel for Appellant :- Raj Singh

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.

Hon'ble Dinesh Kumar Singh-I,J.

In Criminal Misc. Bail Application No.1 of 2019.

Heard Sri Raj Singh, learned counsel for the appellant, Sri J.P. Tripathi, learned A.G.A. for the State and perused the record.

It has been argued by learned counsel for the appellant that the appellant is the husband of the deceased. The deceased died on account of accidental fire while cooking food. There is no dying-declaration or eye-witness account against the appellant. The trial court has misread the evidence on record and convicted the appellant. The appellant is in jail since January, 2016.

Learned A.G.A. opposed the prayer for bail and submitted that the deceased died within two years of marriage. There is presumption u/s 113-B of the Evidence Act which has not been discharged by the applicant who is husband of the deceased.

Without expressing any opinion on the merits of the case and considering the submissions advanced, we find that no good ground is made out for enlarging the appellant on bail.

The bail application of the appellant Monu, convicted and sentenced in S.T. No.670 of 2017, Case Crime No.463 of 2015, u/s 498-A, 304-B, 323, 302 IPC, P.S. Saiyan, district Agra is, accordingly, **rejected**.

The hearing of the appeal is expedited.

Office is directed to prepare the paper book within six months.

List the appeal in January, 2020 before the appropriate Bench for final hearing.

(Dinesh Kumar Singh-I, J.)

(Ramesh Sinha, J.)

Order Date :- 16.5.2019

Gaurav