

**Court No. - 47**

**Case :-** CRIMINAL APPEAL No. - 2422 of 2021

**Appellant :-** Ram Kumar Alias Ramu And 3 Others

**Respondent :-** State of U.P.

**Counsel for Appellant :-** Sunil Vashisth, Dileep Kumar

**Counsel for Respondent :-** G.A.

**Hon'ble Mahesh Chandra Tripathi, J.**

**Hon'ble Rajendra Kumar-IV, J.**

**Ref : Criminal Misc. Bail Application No.1 of 2021.**

Heard learned Counsel for appellants, learned AGA for State and perused the material available on record.

Accused-appellants, Ram Kumar alias Ramu, Patangi Lal, Smt. Pankunwar and Smt. Lali alias Kiran Devi convicted in Session Trial No.292 of 2014 and Session Trial No. 07 of 2018, arising out of Case Crime No.17 of 2014, under Sections 498-A, 304-B and 302 I.P.C. and Section 3/4 of D.P. Act, Police Station Kakarbai, District Jhansi sought bail during the pendency of appeal.

Learned counsel for the appellants states that the appellant no. 1 (husband) and appellant no. 3 (mother-in-law) were in jail since 08.04.2014 whereas appellant no. 2 (father-in-law) and appellant no. 4 (Nanad) were already enlarged on bail during trial. After conviction i.e. 20.02.2021, they have surrendered and sent to jail.

Learned counsel for the appellants fairly states that he does not want to press the bail for appellant no. 1 (husband) at this stage. Accordingly, the same is **dismissed** as not pressed.

Learned counsel for the appellants submits that the appellant

nos. 2, 3 and 4 are innocent and have wrongly been convicted in the present case. They have committed no offence. Trial court did not appreciate the evidence in proper manner and judgement of trial court is based on surmises. He further submitted that although the appellants are the father-in-law, mother-in-law and Nanad of deceased but they have no role in the present incident. He further argued that the appellants did not demand any dowry from the deceased or her family members. The victim was not harassed by any demand of dowry. The victim is said to have died due to burn injuries in the hospital after a considerable time. There is general allegation against all the appellants. The maximum sentence awarded by trial court to the present appellants is life imprisonment. The appellant nos. 2 and 4 were on bail during trial but they did not misuse its liberty. The appellant no. 3 is in jail since 08.04.2014. Due to heavy pendency of appeals, this appeal is not likely to be heard in near future. In case the appellants are enlarged on bail, they shall not misuse the liberty of bail.

Learned AGA opposed the bail application and submitted that the victim died due to burn injury in the hospital and in her dying declaration, she made specific allegation against the accused-appellants. The judgement of trial court is completely discussed and there is no infirmity or illegality therein but admitted that the appellants are father-in-law, mother-in-law and Nanad of the deceased. The accused-appellants are of the same family. They are in-laws of deceased. Admittedly, deceased died within seven years of marriage and she was subjected to cruelty on demand of dowry.

Considering the entire facts and circumstances of the case, rival submissions made by learned counsel for the parties, allegations

against the accused-appellants, role of appellants in the incident, relation of accused with deceased and manner in which the incident took place, injuries found on the person of deceased, detention of appellants in jail, finding recorded by trial court and without commenting upon merit of case, the accused-appellant nos.2, 3 and 4 deserve bail.

Accordingly, bail application is **allowed**.

Let the appellant nos. 2, 3 and 4, **namely, Patangi Lal, Smt. Pankunwar and Smt. Lali alias Kiran Devi** be released on bail in the aforesaid matter, during pendency of appeal, on their furnishing a personal bond and two sureties in the like amount before the trial Court concerned to its satisfaction.

As soon as personal bonds and surety bonds are furnished, after keeping the same on record, photocopies are directed to be transmitted to this Court forthwith by trial Court concerned for keeping them on the record of appeal.

List this appeal after three months along with LCR for final hearing before appropriate Bench.

**Order Date :- 6.1.2022**

Manoj