

Court No. - 43

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 Ashwani Kumar Mishra,J.

Hon'ble Shiv Shanker Prasad,J.

Ref:- Order on Criminal Misc. Bail Application

The accused appellant- Ram Kumar alias Ramu is the husband, who has been convicted in Session Trial No. 292 of 2014, arising out of Case Crime No. 17 of 2014, under Sections 498A, 304B, 302 IPC and Sections 3/4 of Dowry Prohibition Act, Police Station - Kakarbai, District - Jhansi and sentenced to life along with fine and his first bail application has been dismissed as withdrawn on 06.01.2022.

The second bail application has been filed on the ground that the other co-accused namely mother-in-law, father-in-law and sister-in-law of the deceased have been enlarged on bail on 06.01.2022.

Learned AGA on the other hand opposed the prayer for grant of bail on the ground that this is a case wherein the deceased died due to burn injury within seven years of her marriage and allegations relating to demand of dowry were levelled. A dying declaration specifically implicating the accused appellant also exists on record.

Learned counsel for the accused appellant submits that the dying declaration was against the other family members also.

On the date when the prayer for bail of other co-accused was allowed by this Court the accused - husband withdrew his application for bail. No new circumstance has been shown during the intervening period. There are specific allegation with regard to demand of dowry against the husband and the unnatural death of his wife occurred within seven years of marriage. The dying declaration specifically implicates the husband.

In such circumstances, merely because the other co-accused including the sister of the accused appellant have been enlarged on bail would not be a sufficient ground to claim parity in the

matter.

Considering his specific implication in the dying declaration as also the allegation with regard to demand of dowry, the prayer made for grant of bail is **rejected**.

Ref:- Order on Appeal.

Office is directed to prepare the paper book and list the appeal for hearing after two months.

Order Date :- 28.11.2022

SK Srivastava