

Court No. - 1

Case :- CRIMINAL APPEAL No. - 514 of 2015

Appellant :- Sudami And Another

Respondent :- State Of U.P.

Counsel for Appellant :- Janardan Yadav,Rajiv Lochan Shukla

Counsel for Respondent :- Govt.Advocate

Connected with

Case :- CRIMINAL APPEAL No. - 513 of 2015

Appellant :- Leelawati

Respondent :- State Of U.P.

Counsel for Appellant :- Janardan Yadav

Counsel for Respondent :- Govt.Advocate

Hon'ble Ramesh Sinha,J.

Hon'ble Dinesh Kumar Singh-I,J.

Order on Crl. Misc. Bail Application No. 47772 of 2015 and 47765 of 2015

Heard Sri Rajiv Lochan Shukla, learned counsel for the appellants, Sri A.R. Chaurasia A.G.A. for the State and perused the lower court record.

Learned counsel for the appellants submitted that the appellants are mother-in-law, father-in-law and 'nand' of the deceased and the appellants have been named in the dying declaration of the deceased which was recorded by the 'Nayab Tehsildar' on 30.06.2012 at district hospital. He further states that the said dying declaration of the deceased wherein the appellants have been made responsible for her death is not reliable piece of evidence as in earlier Dying Declaration of the deceased which was given to her brother and father, her father has turned hostile while her brother has stated about the involvement of her husband and other family members which he has stated to have been informed by the deceased, thereafter, brother of the deceased has also turned hostile. It is further stated that the present dying declaration of the deceased further raises doubt as the deceased was suffering from some mental illness and it was argued that the 'devar' of the deceased, who was declared juvenile' is also implicated in this case and his trial has been separated. She firstly deposed on 22.06.2012 when she was admitted in the private hospital that members of her in-laws home are responsible for her death but in subsequent dying declaration recorded by 'Nayab Tehsildar' on 30.06.2012, the

name of her 'devar' has been disclosed and, hence, the same cannot be relied upon; the appellants are in jail since 27.08.2012; the appellants have been falsely implicated in the present case.

Learned A.G.A. opposed the prayer for bail and stated that the deceased was done to death by pouring kerosine oil on her and by being set ablaze by the appellants. It is next submitted that dying declaration of the deceased was recorded by 'Nayab Tehsildar' and the fitness certificate was given by the E.M.O., District Hospital, Azamgarh where the deceased was subsequently taken for treatment after being referred by the private hospital.

Without expressing any opinion on the merits of the case and considering the submission advanced, We find no good ground for grant of bail to the appellants Sudami, Ganesh and Leelawati convicted and sentenced in S.T. No. 344 of 2014 arising out of Crime no. 427 of 2012 under section 498-A, 302 I.P.C. and 3/4 D.P. Act, Police station Mubarakpur, District Azamgarh.

Accordingly, the bail application is **rejected**.

The hearing of the appeal is expedited.

Office is directed to prepare the paper book within one month and list the same on 23.01.2019 before appropriate Bench for final hearing.

(Dinesh Kumar Singh-I,J.) (Ramesh Sinha,J.)

Order Date :- 13.11.2018

A. Mandhani