

Court No. - 44

Case :- CRIMINAL APPEAL No. - 9299 of 2022

Appellant :- Ambika Sahani

Respondent :- State of U.P.

Counsel for Appellant :- Shivendra Nath Singh, Debee Shanker Pandey, Mahesh Prasad Yadav

Counsel for Respondent :- G.A.

Hon'ble Arvind Singh Sangwan, J.

Hon'ble Shiv Shanker Prasad, J.

Ref.: Criminal Misc. Bail Application

1. This is the application seeking suspension of sentence to accused-appellant, Ambika Sahani.

2. Learned counsel for the accused- appellant submits that as per the informant- Shiv Nath, who is brother-in-law of the appellant, his daughter-in-law Pushpa Devi is residing with her husband- Lalu. Before the alleged incident, there was a dispute regarding the children and some panchayat was conveyed in which the appellant has threatened to kill his daughter-in-law, Pushpa Devi. The counsel further submits that, as per the informant, son of the appellant had tried to molest the daughter of Pushpa and on that occasion Pushpa has slapped Rahul and due to that reason, the appellant has poured kerosene oil on Pushpa and set her on fire and due to which, she died. The counsel submits that it has come in the statement of P.W.-8, the Naib Tehsildar, who recorded the dying declaration of the deceased that she was not in a position to give a complete detail of the incident, but it has come in the dying declaration that she has attributed the motive regarding the altercation / quarrel between the daughter of the appellant and daughter of the deceased. He further submits that the appellant is in the judicial custody for the last eight years and there is variation in the statements of the prosecution witnesses, which can at best be seen at the time of final hearing in the present appeal. The accused- appellant is in jail since 31.10.2015.

3. Learned A.G.A. for the State could not dispute the above factual aspects.

4. We have heard learned counsels for the parties and on perusal of the entire material available on record. Looking to the facts and circumstances of the case, period of sentence already undergone by

the accused-appellant, we grant bail to the accused-appellant Ambika Sahani during the pendency of the appeal.

5. Let accused-appellant, **Ambika Sahani** convicted and sentenced under Sections 302, 506 I.P.C., vide judgment and order dated 18/19.10.2022 passed by Additional District & Sessions Judge, Court No. 1, Mau in Sessions Trial No.08 of 2016, arising out of Case Crime No. 650 of 2015, Police Station Dakshin Tola, District Mau be released on bail during the pendency of the appeal subject to his furnishing fresh personal bonds and two sureties each of the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The appellant shall file an undertaking to the effect that he shall not seek any unnecessary adjournment.

(ii) The appellant shall not leave India without permission of this Court.

(iii) The appellant shall inform the change of address within 10 days, failing which the State shall be at liberty to request for cancellation of his bail.

6. Half of the fine shall be deposited within three months from today.

7. In view of the above, this bail application is allowed.

Order on Appeal

List when its turn comes.

Order Date :- 19.1.2024

SK Srivastava