

ITEM NO.40

COURT NO.6

SECTION II

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).3990/2006

(From the judgement and order dated 23/05/2006 in CRLM No. 2070/2006 of The  
HIGH COURT OF JUDICATURE AT ALLAHABAD)

JAYA MISHRA

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for bail, impleadment as party respondent and office report)

Date: 09/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Mr. Uday U. Lalit, Sr. Adv.

Mr. Ratnakar Das, Sr.Adv.

Mr. Gaurav Vutts, Adv.

Mrs Manik Karanjawala,Adv.

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. Siddhartha Dave, Adv.

Ms. Vibha Datta Makhija,Adv.

Mr. Pramod Swarup, Adv.

Mr. Sahdev Singh, Adv.

Mr. S.A. Rao, Adv.

Mr. Javed Mahmud Rao ,Adv

Ms. Pareena Swarup, Adv.

Mr. Ameet Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Impleadment application allowed.

Leave granted.

Appeal is allowed in terms of the signed order.

( Ravi P. Verma )

Court Master

( Anand Singh )

Court Master

[Signed order is placed on the file]

2

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 187 OF 2007

[Arising out of SLP(Crl) No.3990/2006]

JAYA MISHRA

APPELLANT

(S)

Versus

(S)

## O R D E R

Leave granted.

This appeal for bail has been filed for an offence charged under S.302 read with S.34 and S.201 of Indian Penal Code.

The incident appears to have taken place inside the room of the accused where the two accused, husband and wife, were living and the deceased, who is reportedly a friend of the family, was also with them on the fateful day.

By now, the evidence is collected and the trial is progressing. The High Court granted the bail to husband.

3

We have cancelled the bail of the husband and he is now in custody. The bail of the present accused was rejected on 03/06/2005, 1/12/2005 and 23/05/2006 by the High Court. She was arrested on 30/04/2005 and since then she has been languishing in jail. It is stated that the appellant is having two school-going children aged about 10 and 7 years respectively. We have already said that the husband

is inside the jail. If both husband and wife are put behind the bars, it would jeopardise the welfare of the school-going children. Keeping this view in mind, and purely on humanitarian ground, we grant bail to the accused Jaya Mishra on executing a bond of Rs.25,000/- (Rupees Twenty five thousands only) with two sureties of like amount to the satisfaction of Additional Sessions Judge, Fast Track Court, Allahabad. We make it clear that the appellant shall not, in any way, impede the progress of the trial. If it is found that the appellant is trying to delay the proceedings of the trial in any way, it shall be immediately brought to the notice of this Court. The accused shall also not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court. The accused also shall not pray for adjournment of the trial

4

under any circumstances. Considering the nature of the offence the trial Court shall proceed with the trial with promptitude and conclude the trial at a reasonable time.

Appeal is allowed in the above terms.

.....J.

( H.K. SEMA )

New Delhi;

.....J.

February 09, 2007.

( B. SUDERSHAN REDDY )