

J  
SLP(Crl.)No. 480 OF 2001

ITEM No.51

Court No. 5

SECTION II  
A/N MATTER

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 (Crl.) No. 480/2001

(From the judgement and order dated 01/03/2000 in GA 3572/00  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHYAM SWARUP SINGHAL

Petitioner (s)

VERSUS

KAPIL & ANR.

Respondent (s)

( With Appln(s). for exemption from filing O.T.c/delay in filing SLP )

Date : 09/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Ashok K. Srivastava,Adv.

For Respondent (s) Mr. Prakash Kr. Singh, Adv.  
For RR 2 Mr. Pramod Swarup,Adv.

For RR 1 Mr. SB Sanyal, Sr.Adv.  
Mr. Sudhir Kumar Gupta,Adv.  
Ms. Sheetal Sharma,  
Mr. S. Chakraborty, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Respondent has been granted bail that the offence  
alleged against him included Section 304-B and 498-A of  
the Indian Penal Code as well as Section 3 and 4 of the  
Dowry Prohibition Act. Petitioner is the father of Renu,  
the deceased. Petitioner believes that the offence  
committed by the respondent would fall under Section 302  
of the Indian Penal Code. We dispose of this SLP without

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prejudice the right of the petitioner as well as the  
State to move for cancellation of bail if the  
investigating agency comes to the conclusion that the  
offence is under Section 302 of the IPC. It may not be  
necessary for the State to move for cancellation of bail

if the offence escalates to 302 IPC because bail granted to him now is on the premise that the offence alleged is only under Section 304-B of IPC. When the offence is found to be under Section 302 IPC the bail will automatically stand cancelled. The question of releasing the accused on bail in such a contingency will depend on the order which may be passed by the court concerned on an application moved by him.

In view of the above situation it is unnecessary for us to interfere. Accordingly the SLP is dismissed subject to the above observations.

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Hemalatha

(HK Bhatia)  
Court Master