

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 23rd day of December, 2005

Crl. Bail Application No. 918 of 2005

Order on the bail application of accused

Criminal Side

Kalam Singh

S/o Sri Darvan Singh

R/o village Hislani

P.O. Kunigad

Tehsil Garishain, District: Chamoli

.....Applicant

Versus

State of Uttaranchal

.....Opposite Party

Arising out of Crime No. 1 of 2005

Under Sections: 498 A, 304B, 120 B, 201 I.P.C.

Police Station: Kunigad

District: Chamoli.

Hon'ble Prafulla C. Pant, J.

This is bail application moved on behalf of the applicant Kalam Singh S/o Sri Darvan Singh who is in jail in connection with Case Crime No. 01 of 2005 under Sections 304 B, 120B, 201 I.P.C., Police Station Kunigad, District- Chamoli.

Heard learned counsel for the applicant and learned A.G.A.

Applicant is husband of the deceased but there is no specific allegation in the F.I.R. that the applicant made demand for dowry. It is also not clear from the F.I.R. that from whom and what dowry was demanded.

The cause of the death as per the Post Mortem Report is asphyxia as a result of ante mortem hanging. The F.I.R. shows that the body of the deceased was found hanging from tree of oak at some distance from the house of the deceased.

In view of above facts and circumstances of the case, without expressing any opinion as to final merits of this case, this Court is of the view that it is a fit case for bail. Let the applicant be released on bail on executing personal bond and furnishing of two surety bonds each of the like amount to the satisfaction of the Chief Judicial Magistrate, Chamoli.

Dt. 23.12.2005

Sweta

(Prafulla C. Pant, J.)