

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 30th day of January 2013

First Bail Application No. 1219 of 2012

Criminal Side

Smt. Reena Mittal

W/o Shri Rajkumar Mittal

R/o 54 Dispensary Road

District Dehradun

.....Applicant (in Jail)

Versus

State of Uttarakhand

.....Opposite Party

Arising out of Crime No. 278 of 2012

Under Section: 302, 498A, 304B IPC and 3/4 Dowry Prohibition Act

Police Station Kotwali

District Dehradun

Hon'ble V.K. Bist, J.

Mr. Abhishek Srivastava Advocate, holding brief of Mr. Ramji Srivastava, Advocate, present for the applicant.

Mr. Aasif Ali, Brief Holder, present for the State.

Heard.

2) Applicant- Reena Mittal who is in jail in connection with Crime No. 278 of 2012, relating to offences punishable under section 302, 498A, 304B IPC and under section 3/ 4 of Dowry Prohibition Act, 1961

registered at Police Station Kotwali, District Dehradun, has sought her release on bail.

3) It is alleged that complainant's daughter Neha got married to the son of the applicant Harsh Mittal on 26.06.2012. After her marriage applicant started harassing her daughter-in-law for dowry. She used to torture her. On 24.08.2012 complainant (father of the deceased) received information from accused/applicant that Neha had taken poison. He went to Neha's in-laws residence and found her on bed. She was taken to CMI hospital from where she was referred to Doon Hospital and was declared dead. The applicant is in jail since 25.08.2012 whose application has been pressed by learned counsel for the applicant mainly on the ground that applicant is 48 years old and is suffering from renal problem and she is required to go outside Dehradun for treatment. Learned counsel for the applicant referred the report of Medical Officer, District Jail, Dehradun, in which he has reported that the applicant was seen by the urologist and was advised for operation. Learned counsel for the applicant submitted that applicant was not sent for operation and her condition is deteriorating day by day. He also submitted that she is also suffering from other problems. On the other hand, Mr. Aasif Ali learned Brief Holder submitted the deceased was murdered for

dowry within two months of her marriage and no reasonable explanation has been given by the applicant why deceased consumed poison. Learned counsel for the State further submitted that death of the deceased was not in normal circumstances.

4) I have considered the submissions of learned counsel for the parties and I think it is a fit case to grant bail to the applicant.

5) Accordingly, the bail application is allowed. Let applicant Reena Mittal be released on bail on executing personal bond, and furnishing two sureties each of the like amount to the satisfaction of the Chief Judicial Magistrate, Dehradun.

Parul

(V.K. Bist, J.)
Vacation Judge
30.01.2013