

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).3922/2017

(Arising out of impugned final judgment and order dated 08-02-2017 in CRLMB No.1005/2017 passed by the High Court Of Judicature At Allahabad)

MOHIT SHARMA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(With appln.(s) for exemption from filing O.T.)

Date : 15-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Vivek Gupta,AOR  
Mr. Anirudh Joshi,Adv.  
Mr. Himanshu Bhardwaj,Adv.

For Respondent(s) Ms. Aishwarya Bhati,Adv.  
State Mr. Ardhendumauli Kumar Prasad,AOR

For complainant Mr. Pradeep Kumar Mittal,Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Heard learned counsel for the parties.
2. The petitioner is under incarceration for the last one year (approximately), for commission of offence under Sections 363, 376-D, 377 I.P.C. and 3/4 of POSCO Act. The case has a background history.
3. The petitioner happens to be brother-in-law of victim in the instant. The elder sister of the victim was married to the petitioner and there was a marital discord between her sister and the petitioner. Owing to the same, the petitioner filed an application under Section 9 of the Hindu Marriage Act, 1956, for restitution of conjugal

rights. A complaint has been filed by the sister of the victim under Section 498-A I.P.C., involving the family members of the petitioner before the date of incident.

4. It is submitted by the learned counsel for the petitioner that in the instant case, even the father of the petitioner had been implicated. But against his father police had found the case to be false and he was not charge-sheeted. It is further submitted that the petitioner and his father would not commit such offence.

5. Be that as it may. In the peculiar facts and circumstances of the case, without commenting on the merits of the case at all, we deem it proper to release the petitioner on his furnishing bail bond for Rs.50,000/- (Rupees Fifty Thousand only) with two personal sureties of like amount, to the satisfaction of the trial court.

6. In view of the above, the special leave petition stands disposed of. Pending applications stand disposed of.

(Sarita Purohit)  
Court Master

(Tapan Kumar Chakraborty)  
Branch Officer