

(2013) 07 AHC CK 0256
In the Allahabad High Court

Case No : Criminal Miscellaneous Bail Cancellation Application No. 4080 of 2013

Abhishek Singh @ Sonu

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 02-07-2013

Acts Referred:

Citation : (2013) 3 ACR 3465 : (2014) 84 ALLCC 533 : (2013) 83 ALLCC 57

Hon'ble Judges : Het Singh Yadav, J

Bench : Single Bench

Advocate : Varun Dev Sharma, J.P. Rai and S.K. Mishra, for the Appellant;
Brijesh Sahai and Sunil Kumar, for the Respondent

Final Decision : Allowed

Judgement

Het Singh Yadav, J.—This application u/s 439(2) Cr.P.C. has been preferred by the applicant, a victim who sustained injuries in the occurrence, seeking cancellation of bail granted to the Respondent No. 2 by an order dated 18.1.2013 passed by the Special Judge, Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (in short Special Judge, S.C.S.T. Act), Allahabad in Case Crime No. 359 of 2012 under sections 307, 323 and 504 I.P.C. and section 7 Criminal Law Amendment Act, Police Station-Colonelganj, District- Allahabad. The factual matrix as unfurled in the F.I.R. and also highlighted by the applicant is that on 16.7.2012 at about 12 o'clock (noon) the applicant was on way to Allahabad University from his house where he was prosecuting studies in M.A. Final along with his elder brother Animesh Singh on his bike. When the bikers arrived near Lala Chungi their bike was intercepted by the Respondent No. 2 and his aides named in the F.I.R. To begin with, they all started hurling abuses and thereafter, co-accused Umesh Singh caught hold of the applicant. In the meanwhile, respondent No. 2 whipped out pistol from his waist and fired shot at the applicant with intention to commit his murder out of animosity resulting from Students' Union Election rivalry. The gun shot fired by the Respondent No. 2 hit the applicant in his stomach and he fell down on the road. He was immediately

removed to the hospital by his brother (the first informant) with the help of passers by. After firing, all the named assailants fled away from the scene of occurrence brandishing their respective weapons in the air. The F.I.R. was lodged on the same day at 14.15 o'clock. The Respondent No. 2, it would appear, surrendered in the Court of concerned Magistrate and moved his bail application in the Court of Session Judge, Allahabad on 23.8.2012. The learned Sessions Judge, however, transferred the bail application on the same day to the Court of Additional Sessions Judge, Court No. Xth (in short ASJ, Xth). The bail application lingered without orders in the said Court upto 23.11.2012 and it was thereafter that the said bail application was transferred to the Court of Additional Sessions Judge, Court No. Vth (in short ASJ, Vth) under the administrative order dated 23.11.2012 passed by the Sessions Judge. The bail application again lingered in the Court of ASJ 5th till it was transferred to the Court Special Judge SC/ST Act vide transfer order dated 18.1.2013 passed by the learned In-charge Sessions Judge, Allahabad on the transfer application of the Respondent No. 2, moved on 11.1.2013. The transferee Court, however, disposed of the bail application on the same day when it received the record of the bail application i.e. on 18.1.2013 admitting the Respondent No. 2 to bail. It is the order granting bail to the respondent No. 2 which is under challenge before this Court.

2. The quintessence of the arguments advanced across the bar by the learned Counsel for the applicant is that the respondent No. 2 is an inveterate hard core criminal having to his discredit long criminal antecedents. He attempted to commit murder of the applicant causing grievous firearm injury on the vital part of the body of the injured during broad day light in a thickly populated area of Allahabad in presence of several persons including the eyewitnesses named in the F.I.R. On the basis of statements of the eye-witnesses and consequent upon the investigation of the case that followed, the respondent No. 2 was clearly nominated as the actual shooter. The motive behind the occurrence was the rivalry between the applicant and the Respondent No. 2 resulting from students' union election.

3. The main brunt of the arguments advanced by learned Counsel for the applicant is that the brother of the applicant, who is an eye-witnesses of the occurrence and also the first informant, had filed objection against the bail application of the Respondent No. 2 in the Court of ASJ, Xth where the bail application was pending. In his objections, the first informant has not only vividly described the role of the Respondent No. 2 in attempting to commit murder of the applicant but has also disclosed his criminal antecedents. The Respondent No. 2, it is submitted, however, filed no affidavit to repudiate the contents of the objections so moved on behalf of the applicant. Learned Counsel further argued that the bail application of the Respondent No. 2 filed on 23.8.2012 continued to protract in the Court of ASJ, Xth for three long months but on all dates fixed in the case, learned Counsel for the Respondent No. 2 only sought adjournments during this period. The bail application, it is submitted, was transferred from the Court of ASJ, Xth to the Court of ASJ, Vth under the administrative order dated

23.11.2012 of the Sessions Judge, Allahabad but there too, it continued to protract upto 18.1.2013 by moving repeated adjournment applications by Respondent No. 2. Virtually, no efforts were made to get his bail application decided.

4. The Respondent No. 2, it is alleged, manoeuvred to get his bail application transferred on 18.1.2013 from the Court of ASJ, Vth to the Court of Special Judge, S.C.S.T. Act by moving transfer application. A perusal of order sheet of the bail application shows that on 17.1.2013 the case could not be taken up due to strike by lawyers and 21.1.2013 was fixed by the transferor Court The transferee Court i.e. Court of Special Judge, S.C.S.T. Act in a post-haste manner prepone the date for the reasons best known to him, decided the bail application enlarging the Respondent No. 2 on bail on the same day, the bail application was transferred by the In-charge Sessions Court to his Court. The applicant, it is also submitted who was contesting the bail from the very inception and had filed his written objection, was not served even with the notice prior to the hearing of the transfer application. The transferee Court also did not inform the applicant about the transfer of bail application to his Court. This shows, it is vociferously submitted, the learned In-charge Sessions Judge had allowed the transfer application in the whimsical and wanton manner and even, de hors the rules and the procedure.

5. Learned Counsel laid much emphasis on the arguments that the Respondent No. 2 had inter alia sought his bail premised on two ground: (a) he has been falsely implicated in this case with intention to prevent him from participating in the ensuing students union election, and (b) his alleged sickness. The learned Special Judge, however, leaned in favour of admitting the respondent No. 2 to bail, mainly on the ground that he has been languishing in jail for more than six months and that the co-accused has already been admitted to bail by this Court. Thus, obviously the Special Judge, S.C.S.T. Act while granting bail to the Respondent No. 2 has not taken pain even to go through the record and passed the bail order on the ground, which were not set forth in the bail application by the Respondent No. 2. The learned Special Judge has totally overlooked the objections filed on behalf of the applicant opposing the grant of bail to the respondent No 2. The criminal antecedents of the Respondent No. 2, it is submitted, placed before the Lower Court were also not taken into reckoning. In fact, the Lower Court has passed a lop-sided order in granting bail to the Respondent No. 2 in a heinous crime of attempt to murder committed in broad day light in a thickly populated area, totally ignoring the role of the Respondent No. 2 in the occurrence in antagonism of the settled principles governing the bail matters. Thus, the order, which has been passed without proper application of mind and without delving into the merits of prima facie evidence and material on record in favour of the Respondent No. 2, it is argued, is liable to be set aside.

6. Learned Counsel appearing for the Respondent No. 2 vehemently repudiated the submissions made as above and contended that the bail once granted,

should not be interfered with by cancelling it unless there is ample evidence to suggest that the conditions of bail have been infringed upon. The bail once granted can be cancelled on a very cogent and overwhelming circumstances. The applicant, it is submitted, has failed to establish any such ground under which the bail already granted to the Respondent No. 2 could be cancelled. To bolster his submissions, the learned Counsel placed credence upon the case of Dolat Ram and Others Vs. State of Haryana, in which it was observed by the Hon''ble Supreme Court as under:--

Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the Court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.

7. Learned Counsel for the applicant further submitted that learned Lower Court has admitted the Respondent No. 2 to bail after reckoning with the entire material on record and also affording the equal opportunity of hearing to the applicant as also to the prosecution and by this reckoning, the bail cancellation application has no merits and deserves to be rejected.

8. I have given my careful consideration to the rival submissions made by the learned Counsel of either side and have also been taken through the materials on record.

9. As per prosecution version, it is broad day light occurrence committed in the hub of town. The F.I.R. was promptly lodged wherein four persons including the Respondent No. 2 are nominated as assailants. The Respondent No. 2 has been assigned role of causing firearm injury on the vital part of body of the injured in the occurrence. As per medical opinion, the injury was grievous in nature and could prove fatal. The motive behind the occurrence is animosity resulting from rivalries of students union election. The respondent No. 2 applied for bail mainly on the ground of his false implication due to students union election rivalry and also on the ground of alleged sickness. The applicant, it would appear, had filed written objections opposing bail to the respondent No. 2 clearly disclosing therein the direct role of the respondent No. 2 in the occurrence. The respondent No. 2

has been assigned the role of the actual shooter. It is categorically stated that due to animosity because of students election rivalry, the Respondent No. 2 was imbued with strong motive to commit murder of the applicant/injured. The injured remained hospitalised for a considerable time and life could be saved because of his intensive medical care administered by experts and skilled doctors. It is also mentioned in the objections that the Respondent No. 2 is a hardened criminal having to his discredit as many as 8 criminal cases, out of which four cases pertain to attempt to murder and one case has its genesis under the Gangsters Act and thus, the respondent No. 2 who had been admitted to bail earlier in the cases pending against him, has misused the liberty of bail and misappropriated the magnanimity of the Court to commit heinous crimes.

10. The relevant part of the bail order dated 18.1.2013 is as follows:

It was contended by the learned Counsel for the accused-applicant that the applicant is in jail for more than six months. It has also been submitted that charge-sheet has been submitted in this case and no supplementary report has been filed. It has also been submitted that the co-accused has already been granted bail by the Hon'ble High Court vide order dated 7.1.2013 in Crl. Misc. Bail Application No. 33687 of 2012.

The D.G.C. (Crl.) has opposed the bail application.

In view of the facts and circumstances of the case and the fact that the applicant is in jail for more than six months, charge-sheet has been submitted in this case and no supplementary report has been filed, the co-accused has already been granted bail by the Hon'ble High Court vide order dated 7.1.2013 in Crl. Misc. Bail Application No. 33687 of 2012, the bail application is allowed.

11. From a bare perusal of bail order, it would transpire, the learned Special Judge has not ventured into discussing the merits or demerits of the evidence collected during the investigation against the respondent No. 2. Though detailed examination of evidence on merits of the case while passing order on bail application is deprecated, the Special Judge, in my firm opinion, passed the bail order in a perfunctory and mechanical fashion without proper application of mind and without delving into the merits of the case and material on record against the respondent No. 2. The Lower Court, it would appear, eschewed from consideration that the respondent No. 2 is the main accused, who has opened fire and caused firearm injury on the vital part of the body of the injured which was opined to be fatal. Ex facie, he was imbued with strong motive to commit the murder of the injured.

12. In Gajanand Agarwal Vs. State of Orissa and Others, the High Court granted bail to the accused because the accused was in custody for 10 months. Hon'ble Supreme Court observed that:

Though detailed examination of the evidence and elaborate documentation of the merits of the case is to be avoided by the Court while passing orders on bail

applications, yet a Court dealing with the bail application should be satisfied as to whether there is a prima facie case, but exhaustive exploration of the merits of the case is not necessary. The Court dealing with the application for bail is required to exercise its discretion in a judicious manner and not as a matter of course.

There is a need to indicate in the order, reasons for prima facie concluding why bail was being granted particularly where an accused was charged of having committed a serious offence. It is necessary for the Courts dealing with application for bail to consider among other circumstances, the following factors also before granting bail, they are:

1. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;
2. Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
3. Prima facie satisfaction of the Court in support of the charge.

Any order devoid of such reasons suffers from non-application of mind.

13. The Hon'ble Supreme Court was pleased to cancel the bail which was granted because the accused was in custody for 10 months.

14. Even on a cursory perusal of the bail order, it shows complete non-application of mind. The bail was granted on the grounds which were not set forth by the Respondent No. 2 (accused) in his bail application. The Court below failed to consider the grounds as urged in the bail application, the objections against grant of the bail raised by the prosecution and the first informant as well and further to look back into the criminal antecedents of the accused while considering the bail application.

15. A perusal of the bail order would evince total non-application of mind by the learned Special Judge while granting bail to the Respondent No. 2 inasmuch as he failed to consider the nature and gravity of the circumstances under which the offence was committed, of repeating the offence, of tampering with the witnesses, the history of the case as well as its investigation and other relevant grounds.

16. It has also not been considered that the respondent No. 2 who had been granted bail earlier in other cases pending against him, has misused the relief of bail and indulged in commission of heinous crimes.

17. In *Gurcharan Singh and Others Vs. State (Delhi Administration)*, the Hon'ble Supreme Court observed that while granting bail, the Court has to consider the following points:

- (i) the nature and gravity of the circumstances in which offence is committed;
- (ii) the position and the status of accused with reference to the victim and

witnesses;

(iii) the likelihood;

(a) the accused fleeing from justice;

(b) of repeating the offence;

(c) of jeopardising his own life being faced with grim prospect of possible conviction in the case;

(d) of tampering the witnesses. (iv) the history of the case as well as of its investigation; and

(v) other relevant grounds.

18. So far as the granting of bail to the co-accused Umesh Singh by this Court is concerned, it is obvious that his bail application was rejected by the Sessions Court and this Court granted him bail simply because of reason that he was assigned the role of catching hold of the injured. The role attributed to the Respondent No. 2 is of directly causing firearm injury to the injured. The case of the respondent No. 2 is not identical and similar to co-accused Umesh Singh, who was granted bail by this Court.

19. The word "parity" connotes that when a person is placed on the same footing as the other persons and has been assigned role at par with co-accused already enlarged on bail. In this case as per the F.I.R. version itself, co-accused Umesh Singh is assigned role of catching hold of the injured while the respondent No. 2 is attributed the role of actual shooter. Therefore, the role respondent No. 2 is distinct from the role of co-accused Umesh Singh. Moreover, it is almost settled law that parity alone is no ground for granting bail.

20. A Full Bench of this Court in *Sunder Lal v. State* 1983 (20) ACC 140 (SC) observed as under:

The learned Single Judge since has referred the while case for decision by the Full Bench we called upon the learned Counsel for the applicant to argue the case on merits. The learned Counsel only pointed out that by reasons of fact that other co-accused has been admitted to bail the applicant should also be granted bail. This argument alone would not be sufficient for admitting the applicant to bail.

21. One more aspect of considerable seriousness that has transpired from the arguments made across the bar before this Court is that the respondent No. 2 filed his bail application in the Court of Sessions Judge, Allahabad on 23.8.2012. On the same day, the bail application was transferred to the Court of ASJ, Xth, under the administrative order of the Sessions Judge. The bail application continued to linger in the said Court upto 23.11.2012 till it was transferred to the Court of ASJ, Vth, under the administrative order of the Sessions Judge. The bail application again remained pending in the Court of ASJ, Vth from 24.11.2012 till

18.1.2013. During the entire period of five months, no efforts were made on behalf of the Respondent No. 2 to get the bail application decided and rather he sought repeated adjournments frequently during the period the bail application remained pending before the aforementioned two courts. The respondent No. 2 on 11.1.2013 moved transfer application in the Court of Sessions Judge, Allahabad, which was allowed by the learned In-charge Session Judge without affording any opportunity of hearing to the first informant of this case, who was contesting the bail from the very inception. The bail application was transferred to the Court of Special Judge, S.C.S.T. Act and on the same day i.e. 18.1.2013 the transferee Court/Special Judge, S.C.S.T. Act prepone the date already fixed and allowed the bail application of the Respondent No. 2 displaying complete non-application of mind and even in the violation of settled legal proposition and in post-haste manner.

22. The bail application lingered on for about five months but the respondent No. 2 ostensibly made no efforts to get bail application decided and rather he himself allowed the matter to protract by moving adjournment applications. It is astounding to note that when the Respondent No. 2 got transferred his bail application to the Court of Special Judge, S.C.S.T. Act, the Court prepone the date and allowed the bail application on the very day on which it was transferred to that Court. The haste in granting bail on the part of the Presiding Officer of the said Court is indeed disquieting and begets serious suspicion and doubts.

23. I have traversed upon the explanation submitted by the learned Special Judge, S.C.S.T. Act, pursuant to the order of this Court. There is nothing plausible and convincing in the explanation which could justify to prepone the date and the disposal of bail application in a post haste manner on the very day on which it was transferred to his Court and that too without the applicant being notified.

24. One more point that crops upto be considered is that the transfer application was moved in the Court of Sessions Judge on 11.1.2013. It is alleged that the Presiding Officer of the Court of ASJ, Vth where the bail application was pending, had verbalised an opinion in the open Court that the bail application of the Respondent No. 2 has no merits and therefore, it was alleged, the accused had lost faith in the said Court.

25. A perusal of the order sheet of the transfer application shows that on 11.1.2013, the Court fixed 15.1.2013 as the next date. But the application was put up before the Court on 16.1.2013. On 16.1.2013, the Court fixed 17.1.2013 for rehearing. On 17.1.2013, the case could not be taken up due to lawyers strike and accordingly, 18.1.2013 was fixed. On 18.1.2013, learned In-charge Sessions Judge ordered to register the transfer application and allowed it on the same day. Thus, from perusal of the order sheet of the transfer application, it transpires that no notice was served upon the first informant, who was opposing the bail application from the very inception. It is a matter of concern that the learned In-charge Sessions Judge has not afforded any opportunity of hearing to

the prosecution and to the first informant and instead, allowed the transfer application on the ground not set forth in the transfer application. The transfer order so passed by the In-charge Sessions Judge is quoted as under:

18.1.2013

This is an application for transfer of B.A. No. 2728 of 2012 pending in the Court of Addl. Sessions Judge, Court No. 5, Allahabad to some other Court on the ground that the bail application is pending since long and no disposal is being taken place.

Heard. The Presiding Officer of the Court A.S.J., Court No. 5 is on leave, the B.A. No. 2728 of 2012 is recalled and transferred to the Court of Spl. Judge, (S.C.S.T. Act) for disposal.

26. On perusal of the transfer application, it would appear that the respondent No. 2 sought transfer of his bail application from the Court of ASJ, Vth alleging that the Presiding Officer of this Court has openly expressed his opinion against the grant of bail to the applicant/respondent No. 2 on 10.1.2013 and therefore, he lost faith in the said Court.

27. On perusal of transfer order dated 18.1.2013 obviously the learned In-charge Sessions Judge has transferred the bail application from the Court of ASJ, Vth to the Court of Special Judge, S.C.S.T. Act for disposal on the ground that the bail application has been protracting since long and secondly the Presiding Officer of the ASJ, Vth was on leave. The In-charge Sessions Judge as such recalled the bail application from the Court of ASJ, Vth and transferred it to the Court of Special Judge, S.C.S.T. Act on his own accord and not as per ground disclosed in the transfer application. During the pendency of the bail application in the Court ASJ, Vth it would clearly transpire that adjournment applications were frequently moved almost on each and every day fixed in the case as would appear from the order sheet of the bail application. Thus, it was the respondent No. 2 who was to be blamed for the pendency of his bail application. Another reason for transferring of bail application is that the Presiding Officer of the Court of ASJ, Vth was on leave. Pursuant to the order of this Court learned District Judge, Allahabad submitted report regarding leave account of the Presiding Officer of the ASJ, Vth for the month of January, 2013. As per the report of the District Judge, Allahabad, the Presiding Officer was on casual leave on 1st, 15th, 18th, 19th and 21st January, 2013. The transfer application was moved on 11.1.2013 and was allowed on 18.1.2013. Thus, the ground that the Presiding Officer of ASJ, Vth, was on leave, was not cogent and convincing for allowing the transfer application.

28. On considering entire facts and materials on record and taking into consideration the report of the District Judge, Allahabad, I am of the view that the explanation submitted by the then In-charge Sessions Judge for allowing the transfer application pursuant to the order of this Court is not at all convincing and satisfactory. Rather, it would appear that the officer has tried to inveigle the

Court by submitting misleading facts to this Court.

29. The esoteric aspect in this matter is that in the bail order passed by the learned Special Judge, there is no mention about the prosecution stand. Was it silent spectator before the Court below? In the bail order learned Special Judge simply mention that:--

The DGC (Criminal) has opposed the bail application.

30. No doubt, the provisions of Criminal Procedure Code conferred discretionary jurisdiction of criminal Courts to grant bails to accused persons in pending trials or any convictions. Since jurisdiction is discretionary, it is required to be exercised with great care and caution by balancing valuable right of liberty of an individual and the interest of the society in general.

31. The discretionary jurisdiction of granting bail should not be exercised arbitrarily and in a whimsical and wanton manner as has been done in this case. The manner in which the transfer application was allowed by the In-charge Sessions Judge in post haste and without affording any opportunity of hearing to the applicant/first informant, who was contesting the bail application from the very inception, on the certain grounds, which were not even set forth by the applicant/accused. The manner in which the record of the bail application was sent immediately to the transferee Court and thereafter, the transferee Court prepone the date already fixed and the post haste shown by the learned Special Judge in hearing the bail application and in admitting the respondent No. 2 to bail without appraising the facts and circumstances of the case as contained in the bail application and the objections raised by the prosecution and the applicant/first informant gives room for serious suspicion and heightens doubts. The In-charge Sessions Judge and the learned Special Judge have exercised jurisdiction vested in them in a casual and cavalier fashion. The criminal antecedents of the Respondent No. 2 were wilfully ignored. It also appears that the Respondent No. 2 had also made an attempt to seek bail on the ground of his sickness by filing papers of his treatment, which appears to be unworthy of reliance because on one hand, he showed himself suffering with serious ailments and on the other hand, he showed his willingness to contest the Students' Union Election and was permitted to file his nomination from jail.

32. It is almost settled legal position these bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered no longer conducive to a fair trial to allow the custody to retain his freedom by enjoying the concession of bail during the trial. But in this case as disclosed above the bail has been granted in utmost post haste throwing to the winds the principles settled for granting the bail as laid down by the Hon'ble Supreme Court in a catena of decisions particularly considering the fact that the date was preponed, the objections raised by the prosecution and by the applicant/first informant as well have not been considered. The impugned bail order passed by the learned Special Judge

(S.C.S.T. Act) deserves to be cancelled.

33. The bail cancellation application is accordingly allowed and the bail order dated 18.1.2013 passed by the learned Special Judge, S.C.S.T. Act in Case Crime No. 359 of 2012 under sections 307, 323 and 504 I.P.C. and section 7 Criminal Law Amendment Act, Police Station-Colonelganj, District- Allahabad is set aside. In view of order of this Court the release of the Respondent No. 2 was stayed and the Court is apprised that he is still in judicial custody. Thus, taking in view all facts and circumstances of this case, the Trial Court is directed to conclude the trial expeditiously preferably within six months from the date of communication of this order.

34. However, before closing, I feel called to advert to the conduct of the then In-charge Sessions Judge, Allahabad and learned Special Judge, S.C.S.T. Act, Allahabad, who have not only exercised the jurisdiction vested in them in a whimsical and wanton manner the date was prepone and passed orders respectively without going into the material on record and also without any merits but they have also submitted their respective explanations pursuant to the orders of this Court contrary to the facts and materials on record and thus, they have made endeavours to beguile the Court by setting out misleading facts. The Court, therefore, does not appreciate the conduct of Sri Arun Prakash, the men In-charge Sessions Judge, Allahabad and Sri Umesh Kumar, learned Special Judge, S.C.S.T. Act, Allahabad. Sri Arun Prakash, the then In-charge Sessions Judge, Allahabad has decided the transfer application without following the prescribed procedure and allowed the transfer application in a wanton and wayward manner without going into material facts of the case available on record. Similarly, Sri Umesh Kumar, learned Special Judge, S.C.S.T. Act, Allahabad has prepone the date and decided the bail application on the same day when Sri Arun Prakash, the then In-charge Sessions Judge, Allahabad ordered to transfer bail application to his Court. Even on a cursory perusal of the bail order, it shows that the bail was granted to the Respondent No. 2/accused indicating reasons, which were not even set forth by the Respondent No. 2/accused. It clearly shows that he has passed the bail order without proper application of mind and without going into the merits and material on record. He even overlooked and slurred over the criminal antecedents of the Respondent No. 2 which were on record and decided the bail application in post haste unbecoming of a judicial officer. Thus, the conduct of both the above aforementioned judicial officers would in clear terms be tantamount to judicial indiscipline and judicial impropriety. I cannot review the conduct of the above named officers on judicial side in this present bail cancellation proceedings and feel called to say that the matter be placed before the Hon"ble the Chief Justice on administrative side for his kind perusal and action as may be deemed fit and proper.

Application Allowed.