
(2005) 10 UK CK 0018

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 579 of 2005

Jamil

APPELLANT

Vs

State of Uttaranchal

RESPONDENT

Date of Decision : 05-10-2005

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 363, 366, 369, 376

Citation : (2005) 3 UC 1698

Hon'ble Judges : B.C.Kandpal, J

Bench : Single Bench

Advocate : Shri K.S. Verma, for the Appellant; A.G.A., for the Respondent

Judgement

Hon"ble B.C. Kandpal, J.—This application u/s 482 Code of Criminal Procedure. has been filed against the order dated 10.5.2005 passed by Learned 1st Additional Civil Judge (Jr. Division) Haridwar and also against the order dated 17.8.2005 passed by the Learned Sessions Judge Haridwar in case crime No. 151 of 2002 and case crime No. 285 of 2002 State v. Saleem and others.

2. Brief facts giving rise to this application are that a First Information Report was lodged on 12.7.2002 by opposite Party No. 2 against Petitioner No. 3 Nashim u/s 363/366 I.P.C.

3. The applicants/accused No. 1 and 2 were granted bail by the Learned Sessions Judge, Haridwar on 24.9.2002 and accused Appellant No. 3 was granted bail by this Hon"ble High Court on 25.11.2002.

4. Thereafter the investigating Officer submitted charge sheet against all the applicants/accused and one Naseem u/s 366, 363, 369, 376 and 120B I.P.C. The learned 1st Additional Civil Judge (Jr. Division)

Haridwar vide order dated 10.5.2005 directed the applicants/accused to appear and move bail application u/s 376, 120(B) Indian Penal Code before 19.5.2005.

5. The applicants/accused moved their bail application before the learned Sessions Judge, Haridwar and the learned Sessions Judge, Haridwar vide order dated 17.8.2005 rejected the bail application on the ground that the same is not maintainable without custody.

6. The applicants feeling aggrieved by the aforesaid order of the learned court below have approached this Court by way of this application for direction to the court concerned to the affect that the applicants be released on the same bail application which they have already filed.

7. It is now well settled law that once the accused has been granted bail in a criminal case, he need not to file fresh bail application for grant of bail in another added section which though seems to be graver then the offence under which he was granted bail earlier.

8. I, therefore, allow the petition with the direction to the court concerned to permit the application to furnish fresh surety bond without requiring them to file fresh bail application.

9. The petition is accordingly disposed of.