
(1977) 10 AHC CK 0018
In the Allahabad High Court

Laxmi and Others

APPELLANT

Vs

State of Uttar Pradesh

RESPONDENT

Date of Decision : 31-10-1977

Acts Referred:

Penal Code, 1860 (IPC) — Section 307

Citation : (1977) AWC 621 : (1978) CriLJ 51

Hon'ble Judges : H.N. Kapoor, J

Bench : Single Bench

Judgement

H.N. Kapoor, J.—This revision has been filed by Laxmi and 5 others against the order dated 13-4-1977 granting bail to them in a case u/s 307 I.P.C. and various other sections. A condition has been imposed that they would not go to the area of the Parsu village without the permission of the Court, It was argued that no reason has been given for imposing this condition and that the order is improper as in the cross case no such condition has been imposed while granting bail to the persons of other party although gun was used by the other party, while only lathis were said to have been used by the party of the applicants. It was further pointed out that subsequently Thakur Das and Har Narain have been granted bail by this Court although their bail had been rejected by the learned Sessions Judge. Much stress was laid on the fact that no such condition has been imposed by the High Court while granting bail to Thakur Das and Har Narain. This is certainly an additional circumstance which the learned Sessions Judge should take into consideration while reconsidering his order dated 13-4-1977.

2. So far this Court is concerned, such an order passed in a pending trial can be considered to be an interlocutory order. A learned judge of this Court, H. L. Kapoor, J. held in the case of Tota Ram v. State 1976 All WC 197 , that the order cancelling bail in a pending trial was interlocutory order. Similar view was taken by Andhra Pradesh and Rajasthan High Courts in the cases of Thakur V. Hariprasad Vs. State of A.P., and Dhola and Others Vs. The State, , Both these courts took the view that the order granting bail is also .an interlocutory order.

Imposing condition therefore while granting bail In a pending trial will be considered to be an interlocutory order. The revision is liable to be dismissed on this ground alone.

3. The revision Is accordingly dismiss ed subject to the observations made above, A copy of this order shall be supplied to the learned counsel for the applicant on payment of usual charges, tomorrow, if possible.