
(2011) 04 AHC CK 0175
In the Allahabad High Court
Case No : Criminal Appeal No. 2416 of 2011

Mazhar @ Sonu

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 22-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 414, 471

Citation : (2011) 04 AHC CK 0175

Hon'ble Judges : Naheed Ara Moonis, J

Bench : Single Bench

Judgement

Naheed Ara Moonis, J.—Heard learned Counsel for the Appellant and learned AGA and have taken through the record.

2. Admit,

3. The instant appeal has been filed on behalf of the Appellant challenging the judgment and order dated 7.12.2010 passed by Additional Sessions Judge (FTC Court No. 3) Bijnor in Sessions Trial No. 340 of 2010 vide Case Crime No. 1431 of 2009 under Sections 471 IPC whereby the Appellant has been sentenced and convicted to undergo four years rigorous imprisonment with fine of Rs. 10,000/-. The Appellant was further convicted and sentenced in Sessions Trial No. 470 of 2010 vide Case Crime No. 1437 of 2009 u/s 414 IPC to undergo 18 months rigorous imprisonment with fine of Rs. 2000/-. All the sentences were directed to run concurrently

4. According to the prosecution case, on the tip off of the informant, on 9.11.2009 the Appellant and the other accused persons were intercepted by the police party. On seeing the police party, other accused persons fled away and the Appellant was arrested on the spot. On search, some incriminating articles including the country made pistol were recovered from his possession.

5. It is contended by the learned Counsel for the Appellant that the Appellant has falsely been roped in the present case on the inkling and connivance of inimical

persons who were already nurturing animus and grudge against the Appellant and the co-accused. No incriminating articles were recovered from the possession of the Appellant. The recovered articles were planted so as to give colour to the prosecution version. There is great inconsistency in the prosecution version. The Appellant was not arrested committing any crime. He was arrested merely on the basis of suspicion and is now languishing in jail. There is no likelihood of appeal being heard in near future.

6. Per contra learned AGA opposed the bail prayer of the Appellant and contended that there is no illegality or vulnerability in the order passed by the trial court.

7. Having considered the rival submissions advanced by the learned Counsel for the parties and looking to the facts and without expressing any opinion on the merits of the case, this Court is inclined to grant bail to the Appellant.

8. Let the Appellant Mazhar @ Sonu convicted and sentenced by judgment and order dated 7.12.2010 passed Additional Sessions Judge (FTC Court NO. 3) Bijnor in Sessions Trial No. 340 of 2010 vide Case Crime No. 1431 of 2009 under Sections 471 IPC and Sessions Trial No. 470 of 2010 vide Case Crime No. 1437 of 2009 u/s 414 IPC Sessions Police Station Nehtaur District Bijnor be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concern.