

(2009) 05 AHC CK 0122
In the Allahabad High Court

Rasheed

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 21-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0122

Hon'ble Judges : Ved Pal, J

Final Decision : Dismissed

Judgement

Vedpal, J.

This is an application for bail on behalf of the accused applicant, Rasheed, who is detained in Case Crime No.137 of 2008, under Sections 302/201 I.P.C., Police Station Hasanganj, District Lucknow.

Heard the learned counsel for the applicant and the learned A.G.A. for the State and perused the record of the case.

It is argued on behalf of the applicant regarding the genuineness of the prosecution case and proposed evidence that the applicant has been falsely implicated in the case and there is no reliable evidence against him; that the case against the applicant rests on circumstantial evidence; that the alleged recovery of knife has been planted by the prosecution; that there is no independent witness and, as such, the applicant deserves bail.

The bail is, however, opposed by the learned A.G.A. by contending that it is true that the case against the applicant rests on circumstantial evidence, but, there are sufficient material against the applicant; that the applicant was last seen with the deceased, that the blood stained knife is alleged to have been recovered from the possession of the applicant at his pointing out; that the postmortem report shows that the deceased has injury, which could have been caused by the knife; that there are sufficient material against the applicant to connect him with the incident in question and, as such, the applicant does not deserve bail.

I have carefully considered the respective submissions made by the parties alongwith the grounds taken by the applicant in his bail application. There are sufficient material against the applicant to connect him with the incident in question. The defence of accused cannot be considered at this stage. At the stage of disposal of the bail application, detailed examination of evidence and elaborate documentation of the merit of the case, is not required to be undertaken. The broad spectrum of the case is to be seen at this stage apart from the nature and severity of the offence.

In view of the facts and circumstances of the case, having regard to the nature of offence, severity of punishment, nature of supporting evidence and broad spectrum of prosecution case, I am of the opinion that it is not a fit case for bail. The bail is, therefore, refused and the application for bail is rejected, accordingly. However, the trial court is directed to proceed with the case expeditiously and to decide the case preferably within six months from the date of production of a certified copy of this order.