

(2013) 06 AHC CK 0016
In the Allahabad High Court

Shyam Sundar Gupta and Anr.

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 28-06-2013

Acts Referred:

Citation : (2013) 06 AHC CK 0016

Hon'ble Judges : Het Singh Yadav, J

Final Decision : Dismissed

Judgement

Het Singh Yadav, J.

Heard learned counsel for the applicants, learned A.G.A. and perused the record.

Learned counsel for the applicants submits that the applicants have been falsely implicated in this case because of previous hostility. He has been assigned the role of catching hold only. The injuries said to have been sustained by the injured are not dangerous to his life as appears from the medical opinion. Therefore, the applicant who is in jail since 24.3.2013 deserves to be enlarged on bail.

Learned A.G.A. repudiates the submission made as above. However, it is not disputed by him that the applicants have been assigned the role of catching hold only.

Considering the points pertaining to the nature of accusation, prima facie satisfaction regarding proposed evidence and severity of punishment raised as above by the learned counsel of both the sides and on perusal of record, I am of the view that the applicant deserves to be enlarged on bail.

Let the applicants, Shyam Sundar Gupta and Ram Ashish Gupta who are involved in case crime No. 138 of 2013, under section 307,504,506 I.P.C. P.S.Pipraich, District Gorakhpur be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:

(i) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The applicants shall remain present before the Court on the dates fixed for hearing in the case and will cooperate in the trial. In case of unavoidable circumstances for remaining absent, he shall immediately give intimation to the court concerned through counsel and request be made to the trial court that he may be permitted to be present through counsel.

Deviation of any of the above conditions shall entail cancellation of bail.

The trial court shall decide the case expeditiously uninfluenced by the observations made herein above.