
(2013) 05 AHC CK 0216

In the Allahabad High Court

Case No : Criminal M. 2nd Bail Application No. 8235 of 2013

Surendra Singh

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 15-05-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 437(6)

Citation : (2013) 05 AHC CK 0216

Hon'ble Judges : Kalimullah Khan, J

Final Decision : Allowed

Judgement

Kalimullah Khan, J.—Heard learned counsel for the applicant, learned A.G.A. and perused the record.

2. This is second bail application. The first bail application has been rejected on merit by this Bench vide order dated 11.10.2012. This second bail application has been made on the following grounds :

1. That the applicant is in jail since 18.5.2012 in a case triable by the court of Magistrate.

2. That the applicant has not cheated any one rather he and his wife have already been cheated in this transaction as a result of which he has lost his 1,40,000 as consideration amount of the sale deed executed in favour of his wife wherein he stood marginal witness.

3. A suit for cancellation of the sale deed in question has been instituted wherein the wife of the applicant has appeared and has filed her W.S. wherein clearly and categorically it was pleaded in paras 5 and 9 that the sale deed in question is a void document and if it is declared as null and void she has no objection at all and lastly he has submitted ;

4. That the charge in the case has been framed on 18.9.2012 and the first date for adducing prosecution witness was 1.10.2012. 60 days have elapsed since

then, but the trial has not been concluded and therefore, he is entitled to statutory bail in view of the provisions contained under Section 437 (6) of the Cr. P.C.

3. Learned A.G.A. is not in a position to rebut either of the aforesaid submissions made by the learned counsel for the applicant.

4. Fit case for bail allowed.

5. Let the applicant Surendra Singh, involved in case Crime No. 102 of 2012 under Sections 419, 420, 467, 468, 471, I.P.C., Police Station, Karchhana, District Allahabad be rereased on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned.