
(2009) 10 AHC CK 0143

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 6416(B) of 2009

Tej Singh

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 08-10-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 439
Penal Code, 1860 (IPC) — Section 406, 419, 420, 467, 468

Citation : (2009) 10 AHC CK 0143

Hon'ble Judges : Ashwani Kumar Singh, J

Final Decision : Disposed Of

Judgement

Ashwani Kumar Singh, J.—Heard learned counsel for the applicant, the learned Additional Government and learned counsel for the complainant, Sri Abdul Rasheed.

2. Objection filed by Sri Abdul Rasheed be taken on record.

3. Perused the first information report and other relevant papers and the objection filed by the learned counsel for the complainant.

4. The submission of the learned counsel for the applicant is that the first information report was lodged on the basis of an application made by the complainant under Section 156(3) of Cr.P.C. It is further submitted by the learned counsel for the applicant that the complainant purchased the land on 15.4.1997 and constructed a house on it. It is further contended that the first information report of the present case was lodged after a gap of about 12 years. It is specifically mentioned in the first information report that the date and time of occurrence is 15.4.1997, time not known and the date and time of lodging the first information report is 29.04.2009 at 20.40. The allegation in the first information report is that the accused applicant took part in executing forged registry and for the same preparing forged documents and also threatened the complainant. Learned counsel for the applicant also submits that the matter is of civil nature and as alleged in paragraph 22 of the application there is no previous

criminal history and the same has not been controverted by the State Counsel.

5. Learned counsel for the complainant vehemently opposed the bail application but could not give plausible explanation for such inordinate delay in lodging of the first information report and other submissions made were not on record before this Court.

Considering the facts and circumstance of the case, let the applicant Dr. Tej Singh be released on bail in Case Crime No.350/2009 U/S 419, 420, 467, 468, 471, 406, 504, 506 IPC P.S. Chinhath, District Lucknow on his filing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

6. However, I direct that the applicant shall appear before the Chief Judicial Magistrate on every 15th day of the month and if it is a holiday, he shall appear on the next working day. The Chief Judicial Magistrate shall call for a report from the police station concerned regarding the criminal activities of the applicant, if any committed in future. Further the Chief Judicial Magistrate is directed that he shall bring those criminal activities to the knowledge of the trial court, in writing. He shall also place this order on the record of the trial court. The trial court is directed that on receiving any information regarding the criminal activity of this nature or of any other serious nature, the trial court shall cancel the bail of the applicant, at the earliest, in accordance with law. The restriction imposed and averments made in this para shall be carried out by the Chief Judicial Magistrate and the trial Court till disposal of trial.