

Jitendra Singh Vs. State of U.P.

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SooperKanoon Citation : sooperkanoon.com/453111

Court : Allahabad

Decided On : Apr-16-2009

Reported in : [2009(121)FLR635]

Judge : Alok K. Singh, J.

Appellant : Jitendra Singh

Respondent : State of U.P.

Judgement :

Alok K. Singh, J.

1. Counter and rejoinder affidavits filed today are taken on record. Heard the learned Counsel for the applicant, learned A.G.A. and perused record.
2. The applicant is involved in Case Crime No. 480 of 2007, under Sections 147, 148, 149, 302, 307, 504, 506/34 I.P.C. and Section 7 Criminal Law Amendment Act and Section 2/3 U.P. Gangsters & Anti Social Activities (Prevention) Act, Police Station Mahrajganj, District Rae Bareli.
3. As against the complicity of the applicant it is submitted that the only role assigned to him is that of making fire in air. The main role has been assigned to co-accused Satyendra Singh @ Vishal Singh. In respect of gang chart it is submitted that there is no other case except the present one which has been

shown in it. It is said that initially the Investigating Agency did not find any case but subsequently on the basis of further investigation a supplementary charge-sheet was submitted against him. It is also said that out of ten accused eight have already been enlarged on bail. It is said that he is also entitled to get bail on the ground of parity with co-accused Ajay Singh, Raj Mohan etc. He is said to be in jail from 17.02.2009.

4. Nothing substantial could be said from the other side. However, the bail is opposed by learned A.G.A.

5. The points pertaining to nature of accusation, danger of accused absconding or fleeing if released on bail, character, behaviour and position of the accused, severity of punishment, reasonable apprehension of tampering the witnesses, prima facie satisfaction regarding proposed evidence and genuineness of the prosecution case were duly considered. In view of the aforesaid facts and circumstances and without entering into the merits of the case and particularly having regard to the role assigned to the applicant and also the ground of parity, I find it to be a fit case for granting bail. Let the applicant (Jitendra Singh) be enlarged on bail on his furnishing a personal bond and two sureties in the like amount to the satisfaction of the Magistrate/court concerned.