

Laxmi and ors. Vs. State of Uttar Pradesh

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SooperKanoon Citation : sooperkanoon.com/466294

Court : Allahabad

Decided On : Oct-31-1977

Reported in : 1978CriLJ51

Judge : H.N. Kapoor, J.

Appellant : Laxmi and ors.

Respondent : State of Uttar Pradesh

Judgement :

ORDER

H.N. Kapoor, J.

1. This revision has been filed by Laxmi and 5 others against the order dated 13-4-1977 granting bail to them in a case Under Section 307 I.P.C. and various other sections. A condition has been imposed that they would not go to the area of the Parsu village without the permission of the Court, It was argued that no reason has been given for imposing this condition and that the order is in-proper as in the cross case no such condition has been imposed while granting bail to the persons of other party although gun was used by the other party, while only lathis were said to have been used by the party of the applicants. It was further pointed out that subsequently Thakur Das and Har Narain have been granted bail by this Court although their bail had been rejected by the learned Sessions Judge. Much stress was laid on the fact that no such condition has been imposed by the High

Court while granting bail to Thakur Das and Har Narain. This is certainly an additional circumstance which the learned Sessions Judge should take into consideration while reconsidering his order dated 13-4-1977.

2. So far this Court is concerned, such an order passed in a pending trial can be considered to be an interlocutory order. A learned judge of this Court, H. L. Kapoor, J. held in the case of Tota Ram v. State, 1976 All WC 197, that the order cancelling bail in a pending trial was interlocutory order. Similar view was taken by Andhra Pradesh and Rajasthan High Courts in the cases of Thakur V. Hari Prasad v. State of A.P. 1977 Cri LJ 471(Andh Pra) and Dhola V. State 1975 Cri LJ 1274 (Raj), Both these courts took the view that the order granting bail is also .an interlocutory order. Imposing condition therefore while granting bail In a pending trial will be considered to be an interlocutory order. The revision is liable to be dismissed on this ground alone.

3. The revision is accordingly dismissed subject to the observations made above, A copy of this order shall be supplied to the learned counsel for the applicant on payment of usual charges, tomorrow, if possible.