

Sonu. Vs. State of U.P.

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Court : Allahabad

Decided On : Aug-02-2010

Judge : B.N. Shukla, J.

Acts : Indian Penal Code (IPC) - Section 302

Appeal No. : CRIMINAL MISC. BAIL APPLICATION No. - 11879 of 2010

Appellant : Sonu.

Respondent : State of U.P.

Advocate for Pet/Ap. : N.K. Sharma, Adv.

Judgement :

1. Counter affidavits have been filed today, it may be taken on record. Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. It is contended by learned counsel for the applicants that no deadly weapon was used in committing murder of the deceased and in ante-mortem report injury no. 3 is fatal but it is not clear that which of the accused person has caused this injury. It is further contended that as per FIR three accused persons have inflicted injuries but it is not specifically mentioned that by which accused person deceased has received injuries.

3. Learned AGA has contended that there is specific allegation against the applicant that he was involved in committing murder of the deceased. The occurrence has taken place in the day light of the occurrence.

4. Applicant Sonu is in jail since 25.08.2009 and applicant Sumit is in jail since 08.08.2009. No deadly weapon was used in committing murder of the deceased.

5. Considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering of the witnesses and prima facie satisfaction of the court in support of the charge, the applicants are entitled to be released on bail. Let the applicants Sonu and Sumit involved in case crime no. 391 of 2009,

6. S.T. No. 1233 of 2009 under Sections 302 IPC, P.S. Kila Parikshatgarh, Dist. Meerut be released on bail on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

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