

Mohan. Vs. State of Uttar Pradesh (U.P.).

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Court : Allahabad

Decided On : Aug-03-2010

Judge : B.N. Shukla, J.

Acts : Indian Penal Code (IPC) - Sections 302, 201, 376, 511, 404

Appeal No. : CRIMINAL MISC. BAIL APPLICATION No. - 20204 of 2010

Appellant : Mohan.

Respondent : State of Uttar Pradesh (U.P.).

Advocate for Pet/Ap. : V.S. Parmar. Adv.

Judgement :

1. Heard learned counsel for the applicant, Sri RK Gupta, learned counsel for the complainant and learned A.G.A. appearing for the State.
2. It is contended by the learned counsel for the applicant that the applicant is not in the FIR and thereafter allegation has been made against Nirdosh and two other co-accused and Police arrested them. There is no recovery of any incriminating article from possession of the applicant. The only evidence against the applicant is statement of witness Ravindra who stated that applicant and two other were coming out of Khandahar hurriedly and except this there is nothing against the applicant to connect with the murder of the deceased.

3. Learned counsel for the complainant contended that the applicant was involved in committing the murder of the deceased and there is last seen evidence against him. He along with other co-accused attempted to rape the deceased and committed murder.

4. Learned A.G.A. supported the arguments of the learned counsel for the complainant

5. Call details of Nirdosh co-accused were taken. There is recovery of mobile from possession of co-accused. The applicant has no criminal history and is in jail since 15.4.2010. Distinguishing the case of the applicant to other co-accused Nirdosh and Ghanpat, the applicant is entitled to be released on bail.

6. Considering the nature of accusation and the severity of punishment incase of conviction and the nature of supporting evidence, reasonable apprehension of tempering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail.

7. Let the applicant Mohan involved in Case Crime No. 363 of 2010 under Sections 302, 201, 376, 511, 404 IPC Police Station Jariya, District Hamirpur be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

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