

Court No. - 49

Case :- CRIMINAL APPEAL No. - 1468 of 1988

Appellant :- Kunwar Pal And Others

Respondent :- State Of U.P.

Counsel for Appellant :- N.K.Sharma

Counsel for Respondent :- A.G.A.

Hon'ble Krishna Pratap Singh,J.

Appeal stood dismissed as abated against the appellant Nos.1, 2 and 4.

Heard Sri Vijay Bahadur Yadav, learned counsel for the appellant No.5/Torhi, learned A.G.A. for the State and perused the record.

A bail application has been moved by the appellant No.5/Torhi, against the order dated 20.11.2018, whereby a non-bailable-warrant has been issue against the appellants.

Learned counsel for the appellant No.5/Torhi, submitted that this appeal was listed on 20.11.2018. As earlier counsel Sri N.K. Sharma, is no more therefore, appellants had no information about the listing of the case due to which he could not appear on that date as a result thereof N.B.W. was issued against appellant Nos.3, 5 and 6. In pursuance of the aforesaid order, appellant No.5/Torhi, was arrested on 19.01.2019 till then he is in jail. It has next submitted that earlier appellant No.5/Torhi, was granted bail vide order of this Court dated 20.06.1988 and he has never misused the liberty of bail. Lastly, learned counsel for the appellant undertakes that he will argue the appeal as and when it is listed next.

Per contra, learned A.G.A. has opposed the bail.

Having considered the submission of the parties, I am of the view that it is a fit case for bail.

Let the **appellant No.5/Torhi**, who has been arrested pursuant to the order of this Court dated 02.11.2018 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 in S.T. No.350 of 1985 in criminal appeal No.1468 of 1988 under Section 148 and 364 IPC Police Station Dando, District-Aligarh.

The C.J.M concerned shall ensure that at the time of accepting

bail bonds, an authenticated copy of the current address / I.D proof of the appellant is taken on record.

Learned counsel for the appellant also undertakes to incorporate the current address of the appellant in the memo of appeal.

C.J.M. concerned has not sent any report regarding the appellant Nos.3/Veer Singh and 6/Jwali.

Let this fact be confirmed by the C.J.M. concerned in the light of Circular Letter No. 04/admin g-ii dated Allahabad 18.1.2017 of this Court by obtaining the statement of the informant or his legal heirs, if any, to be ascertained by the office, where the L.C.R., is available.

List after eight weeks showing the name of Sri Vijay Bahadur Yadav, as learned counsel for the appellant No.5.

Order Date :- 26.2.2019

Pr/-