

Court No. - 49

Criminal Misc. Recall Application No. 3 of 2018

And

Criminal Misc. Bail Application No. 4 of 2019

IN

Case :- CRIMINAL APPEAL No. - 3183 of 1985

Appellant :- Rashid & Another

Respondent :- State Of U.P.

Counsel for Appellant :- J.N. Chandra

Counsel for Respondent :- A.G.A.

Hon'ble Krishna Pratap Singh, J.

Learned counsel for the appellant submits that as the applicants/appellants have been arrested, Criminal Misc. Recall Application No. 3 of 2018 has become infructuous.

It is accordingly rejected.

Heard learned counsel for the applicants/appellants and learned Additional Government Advocate on the bail application.

Learned counsel for the appellants submitted that appellants were earlier granted bail by this Court vide order dated 30.11.1985, which they never misused. However, when the case was listed 01.11.2018, name of learned counsel for the appellants was not mentioned in the list. Moreover the name of the applicants were also not printed correctly as a result thereof he could not appear to argue the appeal as he has no knowledge about the listing of the case and non-bailable warrants were issued and appellants were arrested. Learned counsel further submits that appellants is aged about 73 and 68 years respectively and they are in jail since 01.01.2019. Learned counsel submits that he is ready to argue the appeal as and when it is listed next.

Per contra, learned A.G.A. opposed the prayer for bail.

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

Let the appellants Rashid and Rafiq, who have been arrested pursuant to the order of this Court dated 01.11.2018 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 in ST No. 157 of 1984 (Rashid and another Vs. State

of UP), under Sections 308/34 and 325/34 IPC, PS Bhopa,
district Muzaffarnagar.

Order Date :- 7.1.2019
Ishrat