

Court No. - 67

Case :- CRIMINAL APPEAL No. - 7388 of 2017

Appellant :- Ompal

Respondent :- State of U.P.

Counsel for Appellant :- Mahipal Singh, Ajay Kumar Gautam

Counsel for Respondent :- G.A., Nitin Srivastava, Pawan Singh Pundir

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard Sri A.K. Gautam, learned counsel for the appellant, Sri Pawan Singh Pundir, learned counsel for the informant and learned AGA for the State.

By means of the present appeal, the appellant is assailing the legality and validity of the order dated 12.10.2017 passed by learned Additional Sessions Judge, Court No.1, Baghpat in S.T. No. 449 of 2004 (State Vs. Sahab and others) arising out of case crime no. 148, 452, 302/149, 307/149, 429, 120B IPC and Section 5 of the Explosive Substances Act, P.S. Ramala, District Baghpat.

Learned counsel for the appellant submits that all the accused persons except the present appellant Ompal, who is languishing in jail since more than 18 years. It is further contended by the counsel that rest of the accused persons has already been admitted on bail by Hon'ble the Apex Court on different occasion. The case of the appellant stand on exact footing qua the other co-accused persons.

Per contra, Sri P.S. Pundir, learned counsel for the informant have opposed the bail application by making a mention that this is gruesome murder of four persons and injuring one lady. Taking the reference of Section 149 IPC. The appellant was convicted under Section 302/149, 307/149 and 120B IPC.

Learned counsel for the appellant wants to prepare the case thoroughly so as to bring the factum of common object dealt by learned trial judge in its judgement.

One week time is granted to learned counsel for the appellant to prepare the case thoroughly along with the citation on which he wants to rely upon.

List this appeal on 16.08.2023 for consideration of bail application of appellant-Ompal.

Order Date :- 2.8.2023

Abhishek Sri.