

Court No. - 1

Case :- CRIMINAL APPEAL No. - 2244 of 2017

Appellant :- Iqbal

Respondent :- State Of U.P.

Counsel for Appellant :- Preet Pal Singh Rathore

Counsel for Respondent :- G.A.,Imran Mabood Khan

Connected with

Case :- CRIMINAL APPEAL No. - 2245 of 2017

Appellant :- Kashif

Respondent :- State Of U.P.

Counsel for Appellant :- Preet Pal Singh Rathore

Counsel for Respondent :- G.A.,Imran Mabood Khan

Hon'ble Ramesh Sinha,J.

Hon'ble Dinesh Kumar Singh-I,J.

Order on Bail Application Nos. 144072 of 2017, 144077 of 2017

Heard Sri S.K. Tripathi and Preet Pal Singh Rathore, learned counsel appearing on behalf of the appellants, Sri Imran Mabood Khan, learned counsel for the complainant and Sri A.R. Chaurasia, learned A.G.A. for the State.

Learned counsel for the appellants submitted that appellants have fired upon the deceased who was the man of criminal antecedents. It is submitted that deceased was done to death in some other manner and not in the manner described by the prosecution. It is further submitted that deceased suffered two gun shot injuries on his thigh and he died due to excessive bleeding. It is next submitted that so far as criminal history of the appellants is concerned, explanation of the same has been given in para 18 and 19 of their respective bail applications. It is further submitted that appellant, Iqbal was convicted in a case under Section 302 I.P.C. but he was, thereafter, declared juvenile. The appellant, Iqbal is languishing in jail since 2011 and the another appellant, Kashif is languishing in jail since 2017. They further contended that as there is no likelihood of the appeal being heard in near future, hence, the appellants are entitled to be enlarged on bail.

Learned A.G.A. opposed the bail on merits and stated that the deceased died on account of excessive bleeding.

Without expressing any opinion on the merits of the case and considering the facts and circumstances of the case as well as the sentence awarded to the appellants, we are of the opinion that the appellants, Iqbal and Kashif are entitled to be released on bail.

Let the appellant **Iqbal** involved in S.T. No. 349 of 2012 arising out of Case Crime No. 312 of 2012 under Section 302 I.P.C. read with Section 34 I.P.C. & S.T. No. 350 of 2012 arising out of Case Crime No. 313 of 2012 under Section 25 of Arms Act, P.S. Kotwali District Budaun and appellant, **Kashif** involved in S.T. No. 349 of 2012 arising out of Case Crime No. 312 of 2012 under Section 302 I.P.C. read with Section 34 I.P.C. & S.T. No. 350 of 2012 arising out of Case Crime No. 312 of 2012 under Section 302 read with Section 34 I.P.C., P.S. Kotwali, District Budaun be released on bail on their furnishing a personal bond of Rs. one lakh with two sureties (out of which one should be a family member) each to the satisfaction of the court concerned.

On acceptance of bail bonds and personal bonds, the lower court shall transmit photostat copies thereof to this Court for being kept on the record.

The hearing of the appeal is expedited.

Office is directed to prepare the paper book within six months and list the same before appropriate Bench for final hearing.

(Dinesh Kumar Singh-I,J.) (Ramesh Sinha,J.)

Order Date :- 30.10.2018

A. Mandhani