

Court No. - 51

Case :- CRIMINAL APPEAL No. - 7645 of 2017

Appellant :- Irfan & 2 Others

Respondent :- State Of U.P.

Counsel for Appellant :- Nazrul Islam Jafri

Counsel for Respondent :- G.A.

Hon'ble Vipin Sinha,J.

Hon'ble Akhilesh Chandra Sharma,J.

Criminal Misc. Bail Application No.418002 of 2017

Applicants seek bail in S.T. No.524 of 2013, arising out of case crime no.72 of 2013, u/s 302 readwith Section 120-B and 302 IPC, P.S. Bhot, District Rampur, during pendency of the appeal.

Heard learned counsel for the applicants, Sri Jafar Abbas, learned counsel for the complainant and Sri Sanjay Tripathi, learned AGA appearing for the State.

Contention of the learned counsel for the applicant is that the applicants are innocent and have been falsely implicated in the case and it is a case of accidental death.

Learned A.G.A. has strongly opposed the bail application by placing reliance upon the testimony of P.W.2-Iftexhar Hussain and P.W.3-Arshad Ali, who are eye-witnesses of the incident, in which applicant no.1-Irfan and applicant no.3-Saleem have been assigned role of sitting on the mudguards of the tractor and applicant no.2-Faeem has been assigned the role of running the tractor over the deceased.

Looking to the gravity of the offence, seriousness of the allegations and manner of the crime and also looking to the fact that applicant no.2-Faeem is the main assailant and perusing the evidence on record and the role assigned to the applicant no.1-Irfan and applicant no.3-Saleem and nature of injuries, no case for grant of indulgence has been made out.

In view of the aforesaid facts and circumstances, we do not find it a fit case for bail of applicant no.2-Faeem. The application for bail of applicant no.2-Faeem is hereby rejected.

As far as applicant no.1-Irfan and applicant no.3-Saleem are concerned, without expressing any opinion on the merits of the case and considering the facts and circumstances of the case, we are of the opinion that applicant nos.1 and 3 are entitled to be released on bail.

Let applicant no. 1-Irfan and applicant no.3-Saleem be

released on bail on their furnishing personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

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

Twenty-five percent of the fine as against each of the applicants shall be deposited by both the applicants within a period of one month from the date of their release and balance seventy-five percent of fine shall remain stayed during the pendency of this appeal. In case of default in depositing twenty-five percent of fine within the aforesaid period, the same shall be recovered in accordance with law.

Order Date :- 5.3.2018

Shalini