

Court No. - 5

Case :- CRIMINAL APPEAL No. - 2111 of 2015

Appellant :- Vinod Shukla And 9 Others

Respondent :- State Of U.P.

Counsel for Appellant :- Shishir Tandon, Brijesh Sahai, Gopal S. Chaturvedi, Vinod Kr Pandey

Counsel for Respondent :- Govt. Advocate, B.K. Srivastava

Hon'ble Vikram Nath, J.

Hon'ble Dr. Y.K. Srivastava, J.

In Ref: Criminal Misc. 2nd Bail Application No.22284 of 2017

Heard Sri I.K. Chaturvedi alongwith Sri Shishir Tandon, learned counsels for appellant no.1, Sri Ali Murtza, learned A.G.A. for the State and Sri Pradeep Kumar, Advocate holding brief of Sri Dheeraj Srivastava, learned counsel appearing on behalf of complainant.

This is the second bail application filed by appellant no.1, namely, Vinod Shukla for grant of bail.

The first prayer for bail of appellant no.1, Vinod Shukla was rejected vide order dated 09.08.2016. By the same order dated 09.08.2016, this Court had granted bail to eight of the ten appellants and had refused bail of the two appellants, namely, Vinod Shukla (appellant no.1) and Rakesh Shukla (appellant no.8). Reason given for rejection of the prayer for bail was that Rakesh Shukla had caused fatal injuries to the deceased Chandrama, whereas appellant no.1 Vinod Shukla had caused injuries on the vital part of the injured Arjun (PW 1).

Learned counsel for the appellants submits that the said appellants are in jail since 13.05.2015 and they have already suffered incarceration for more than three and a half years and further from the date of earlier rejection order more than two years and four months has passed.

Considering the period of incarceration and as also the injuries caused which are simple in nature, and that there is no further supplementary medical report regarding fracture either at the chest bone or in the left arm, let the applicant-appellant, **Vinod Shukla** be enlarged on bail in S.T. No.92 of 1999 (State Vs. Vinod Kumar and others), arising out of Case Crime No.211 of 1998, under Sections 302/149, 307/149, 148, 147 IPC & 3(2) (V) Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989, P.S.- Chauri, District Sant Ravidas Nagar, Bhadohi subject to his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the court concerned.

On the acceptance of bail bonds the Lower Court shall transmit photostat copies thereof to this Court for being kept on the record of this appeal.

Order Date :- 18.12.2018

Radhika

(Dr. Y.K. Srivastava,J.) (Vikram Nath, J.)