

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1062 OF 2005

(From the judgement and order dated 03/02/2005 in CRL.Misc.Case No. 941/2003
of The HIGH

COURT OF U.P AT LUCKNOW)

RAKESH MISRA & ANR.

Petitioner(s)

VERSUS

HANUMAN PRASAD SINGH & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay and exemption from filing O.T.)

Date: 04/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Dr.J.N. Duvey, Sr.Adv.

Mr. Anurag Dubey, Adv.

Mr.K.B. Upadhyay, Adv.

Mr. Arvind Tiwari, Adv.

Mr. S.R. Setia,Adv.

For Respondent(s)

Mr. Shail Kumar Dwivedi, Adv.

Mr. G.V. Rao, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the petitioners. He is aggrieved by the order of the High Court cancelling the bail granted to the petitioners. The High Court noticed the fact that the offence

took place on 2nd July, 2003 at 6.30 P.M. and both the accused were arrested, who are also named in

the first information report lodged by the informant, who happens to be an eye witness.

Surprisingly, the police itself granted bail on 3rd July, 2003 to one of the accused on medical

grounds. On the same day, Additional Sessions Judge granted bail to the other accused influenced

by the fact that the police had granted bail to the co-accused. The High Court has rightly come to

the conclusion that the bail granted to the petitioners was improper.

In the facts and circumstances of the case, we do not wish to interfere with the order of

the High Court. This would not prevent the petitioners from moving a regular bail application before

the Sessions court, which shall dispose of the same in accordance with law on the basis of material

on record forming its own independent opinion, without being influenced by anything said in the

order of the High Court. The special leave petition is dismissed.

(Sheetal Dhingra)

(Vijay Dhawan)

an)

Court Master

Court Master