

ITEM NO.68

COURT NO.12

SECTION II

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

CRLMP.NO. 9087/2013 in Petition(s) for Special Leave to Appeal (Crl)
No(s).8353/2010

(From the judgement and order dated 15/12/2009 in CRLA No.2802/ 2004, CRLA
No.2839/2004 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAM NATH & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for grant of provisional/interim bail for petitioner no. 2
and office report)

Date: 06/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. K.B. Sinha, Sr.Adv.
Mr. Dinesh Kr. Tiwary, Adv.
Mr. Chandan Kr., Adv.
Mr. N.N. Jha, Adv.
Mr. Santosh Kumar Tripathi, Adv.

For Respondent(s) Mr. V.N. Raghupathy, Adv.

St. of U.P. Mr. Ravi Prakash Mehrotra, Adv.
Mr. Ajay Singh, adv.
Mr. Vibhu Tiwari, Adv.

UPON hearing counsel the Court made the following
O R D E R

This is a petition by the petitioner no. 2 (Sh. Raja Ram) for grant of provisional/interim bail, pending the special leave petition for admission in this Court, on the ground that his daughter is due to be married on 7.5.2013 and he has to perform rituals of Kanyadaan of his daughter for which his presence is extremely essential.

The matter was posted earlier and the counsel representing the State was directed to verify the correctness of the factual averment made in the application.

Counsel representing the State, Mr. Ravi Prakash Mehrotra, has now informed that he has instructions to say that the daughter of petitioner no. 2 in fact is going to be married on 07.05.2013. It is also stated by the counsel for the State that the petitioner no. 2 had surrendered before the concerned District Authority and filed proof thereof and thus has not given any cause for this Court to doubt his antecedents or intention that he would not surrender in case he is granted provisional/interim bail. We are also informed that the petitioner no. 2 has undergone four years of sentence by now due to which he might be entitled to parole also

under the Jail Rules. However, due to paucity of time, he cannot be directed to approach the jail authorities for grant of parole and therefore, we deem it appropriate to enlarge him on provisional bail.

Considering the fact that the daughter of petitioner no. 2 is to be married, we, on humanitarian grounds, deem it appropriate to grant provisional bail to the petitioner no. 2 for a period of two weeks from today and direct that petitioner no. 2 (Sh. Raja Ram) be released on provisional/interim bail in Spl. St. No. 249/99 to the satisfaction of Special Court (SC&ST Act) District Basti forthwith. The petitioner is directed to surrender before the concerned Authorities on 20.5.2013 and shall file adequate proof of surrender in this Court.

In the meantime, the Respondent-State shall ensure that the petitioner no. 2 does not misuse the grant of provisional bail.

The Registry is directed to furnish a copy of this order today itself.

CRLMP.NO. 9087/2013 is allowed in terms of the aforesaid directions.

(NAVEEN KUMAR)
COURT MASTER

(SNEH BALA MEHRA)
COURT MASTER