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SLP(Cr1.)No. 2171 OF 2001  
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.PL58

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 1079 of 2001@@  
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(Arising out of SLP(CRL) 2171 of 2001)

Hukum Singh ...Appellant (s)

Versus

Raghu Nath & Anr. ...Respondent(s)

O R D E R~@@  
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Leave granted.

This appeal by the informant is against an order granting bail to the accused-respondent while the investigation is over and the chargesheet has been filed. The occurrence is of dated 20th February, 2001 and the accused-respondent has been chargesheeted under Sections 302/149 along with Sections 147 and 148 of IPC.

The learned Sessions Judge, on an application being filed for bail, rejected the same, obviously in view of the gravity of the offence and the materials against the accused. On being moved, the High Court has released the accused-respondent on bail solely on the ground that this respondent did not use the fire-arm and it is on that score the High Court thought that his case is distinguishable from that of others who had used fire-arm. It is the positive case of the witnesses that the accused was a member of the assembly being armed with 'kulhari'. When chargesheet has been filed under Sections 302/149 IPC the High Court was not justified in

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releasing the accused on bail ignoring the gravity of the offence.

We, therefore, set aside the impugned order of the High Court releasing the accused Raghunath on bail and direct that the said Raghunath be re-arrested and taken into custody. The appeal stands disposed of accordingly.

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BBBBBBBBBBBBBBBBBBBBBBBB  
( G.B. PATTANAIAK )@@  
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.....J@@  
BBBBBBBBBBBBBBBBBBBBBBBB  
( RUMA PAL )@@

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New Delhi;  
October 19, 2001

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(P. VENKATARAMA REDDI)@  
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ITEM No.24

Court No. 3

SECTION II  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 2171/2001

(From the judgement and order dated 07/05/2001 in CRLMB 7356/01  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

HUKUM SINGH

Petitioner (s)

VERSUS

RAGHU NATH & ANR.

Respondent (s)

( With Appln(s). for cancellation of bail )

Date : 19/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MRS. JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. B S Jain, Adv.  
M/s.Shankar Divate, Ajay Veer Singh,  
Rajeev Agrawal, Md. Sahid Hussain,  
Mr. Goodwill Indeevar,Advs.

For Respondent (s) Mr. Siddhartha Dave, Adv.  
  
Mr. Jaideep Bhola, Adv.  
Mr. Pranab Kumar Mullick, Adv.  
  
Mr. Akhil Kaushik, Adv.  
Mr. Pramod Swarup, Adv.

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

.....L.....I.....J  
.SP2

Leave granted.  
The appeal stands disposed of in terms of the signed  
order.

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(J.S. Rawat)  
Court Master

(Suneet Bala Sharma)  
Court Master

(Signed order is placed on the file)