



ASIF HUSAIN & ORS.

...PETITIONERS

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

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The complainants in a criminal case have filed these petitions challenging the validity and correctness of the impugned order dated 25.6.2001 passed by the High Court granting bail to respondent nos. 2 to 10. There was rioting on 5.11.2000. Nearly 150 to 200 persons are involved in that case. Out of them, 40 persons are named in the F.I.R. and the names of respondent Nos. 2 to 10 find place in that F.I.R. It is also to be noted that even in regard to respondent Nos. 2 to 10 it is alleged that no specific role is assigned to them.

Learned counsel for the petitioners contended that having regard to the nature of the case and taking note of the fact that the names of respondent Nos. 2 to 10 are mentioned in the F.I.R., the High Court was not right in granting bail to them. He also submitted that even at the time of granting bail the High Court did not impose any ..2/-

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condition on respondent Nos. 2 to 10. We asked the learned counsel as to whether there is any complaint of misuse of bail after they were released on bail pursuant to the impugned order. Learned counsel for the petitioners was not in a position to say anything in that regard. Mr. A. Sharan, learned Senior Counsel representing respondent Nos. 2 to 10 submitted that the respondents were released on bail on 25.6.2001 and after their release nearly 1 year 9 months have passed; the respondents have not misused the bail during this period; the High Court in its discretion, having regard to the facts and circumstances of the case, granted bail to the respondents, hence this Court may not disturb the said order.

Taking note of the fact that the bail was granted to the respondent Nos. 2 to 10 on 25.6.2001, there is no complaint on their misusing the bail and also having regard to the facts noticed by the High Court, we do not think it is appropriate to disturb the impugned order. However, we find some force in the submission of the learned counsel for the petitioners that the High Court should have imposed some condition while granting bail. The High Court has granted bail only on the condition of the respondent Nos. 2 to 10 furnishing personal bond with two sureties. While not ..3/-

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disturbing the impugned order, we impose two more conditions on the respondent Nos. 2 to 10 as conditions for grant of bail : (1) each of the respondent Nos. 2 to 10 shall

furnish security in a sum of Rs.10,000/- with two sureties for the like sum to the satisfaction of CJM, Azamgarh (U.P.); (2) the respondent Nos. 2 to 10 shall not temper with the evidence or threaten the prosecution witnesses.

It is needless to state that it is always open to the petitioners to take appropriate steps in case respondent Nos. 2 to 10 misuse the bail.

The special leave petitions are disposed of in the above terms.

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.....J.  
(Shivaraj V. Patil)

New Delhi,  
March 7, 2003.

.....J.  
(Arijit Pasayat)