

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

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 1367 OF 2005

MD. ZAHID KHAN

Appellant (s)

VERSUS

ABID AKHTAR & ANR.

Respondent(s)

(With appln(s) for stay, permission to file additional documents  
and office report)

Date: 10/11/2005 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. M.P. Jha, Adv.

Mr. Braj Kishore Mishra, Adv.

Ms.Aparna Jha,Adv.

Mr. Ram Ekbal Roy, Adv.

Mr. Abhishek Singh, Adv.

Mr. R.S. Dwivedi, Adv.

For Respondent(s)

No. 1

Mr. Sushil Kumar, Sr.Adv.

Dr. J.N. Dubey, Sr.Adv.

Mr. Anurag Dubey, Adv.

Ms. Upasana Tiwari, Adv.

Mr. K.B. Upadhyay, Adv.

Mr. Manish Kumar, Adv.

Ms. Meenesh Dubey, adv.

Mr. S.R. Setia,Adv.

No.2

Mr. Saket Singh, Adv.

Mr. B.B. Singh ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed.

[ Alka Dudeja ]

[ Om Prakash ]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1367 OF 2005

Md. Zahid Khan

...Appellant(s)

Versus

Abid Akhtar and Anr.

...Respondent(s)

O R D E R

By the impugned order dated 4th August, 2005, passed in Crimina

Miscellaneous No.24206 of 2005, the High Court has granted bail to Respondent No.1

in a case under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

Having heard learned counsel for the parties and perused the records, we are of the view that it was not a fit case for grant of bail, as such the High Court was not justified in enlarging Respondent No.1 on bail.

Accordingly, the appeal is allowed and the impugned order granting bail to Respondent No.1 is set aside. Needless to say that this order shall not in any manner prejudice the case of Respondent No.1 during trial.

.....J.  
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[B.N. AGRAWAL]

.....J.  
.....

[A.K. MATHUR]

New Delhi,

November 10, 2005.