

Krishna Sharma vs The State Of Uttar Pradesh on 8 January, 2020

Bench: D.Y. Chandrachud, Hrishikesh Roy

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No 21 of 2020
(Arising out of SLP(Crl) No 10958 of 2019)

Krishna Sharma

.... Appellant(

Versus

State of Uttar Pradesh

....Responden

ORDER

1 Leave granted.

2 The appellant has been implicated in Case Crime No 204 of 2014 under Sections 147, 148, 149, 302 and 307 of the Indian Penal Code 1860 pertaining to Police Station Surajpur, District Gautam Budh Nagar. The High Court, by its order dated 18 October 2019, dismissed the fourth bail application which was moved by the appellant. 3 Ms Preetika Dwivedi, learned counsel appearing on behalf of the appellant, submits that the co-accused Tulsi Sharma and Manoj Sharma have been granted bail by the High Court on 10 October 2017 and 28 July 2014 respectively in Criminal Miscellaneous Bail Application Nos 11894 of 2017 and 23608 of 2014. That apart, it has been submitted that the trial has commenced and all the witnesses of fact have been examined and only the formal witnesses now remained to be examined. 4 Notice was issued by this Court on 10 December 2019 in pursuance of which the State of Uttar Pradesh has entered appearance through the learned counsel.

5 The fact that all the witnesses of fact have been examined at the trial has not been disputed. It is also common ground that the appellant has been in custody since 25 March 2014 for nearly five years and ten months. Moreover, the High Court has already granted bail to the co-accused by the orders which have been noted above. In this view of the matter, we direct that the appellant be released on bail, subject to such terms and conditions as may be imposed by the Trial Court. 6 The appeal is accordingly disposed of.

.....J. [Dr Dhananjaya Y Chandrachud]
.....J. [Hrishikesh Roy] New Delhi;

January 08, 2020

ITEM NO.19

COURT NO.8

SECTION II

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)

No(s).10958/2019

(Arising out of impugned final judgment and order dated 18-10-2019 in CRMBA No. 49549/2018 passed by the High Court of Judicature at Allahabad) KRISHNA SHARMA Petitioner(s) VERSUS STATE OF UTTAR PRADESH Respondent(s) Date : 08-01-2020 This petition was called on for hearing today. CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD HON'BLE MR. JUSTICE HRISHIKESH ROY For Petitioner(s) Ms. Preetika Dwivedi, AOR Ms. Sukriti Bhatnagar, Adv.

For Respondent(s) Mr. Sarvesh Singh Baghel, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

In terms of the signed order, the appellant be released on bail, subject to such terms and conditions as may be imposed by the Trial Court.

The appeal is disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)

PS: dasti