

Allahabad High Court

Lekh Ram And Others vs State Of U.P. And Another on 10 May, 2010

Court No. - 8

Case :- U/S 482/378/407 No. - 1836 of 2010

Petitioner :- Lekh Ram And Others

Respondent :- State Of U.P. And Another

Petitioner Counsel :- Shaquiel Ahmad, Mohd. Tayyab

Respondent Counsel :- Govt. Advocate

Hon'ble Shri Kant Tripathi, J.

Heard the learned counsel for the applicants and the learned AGA and perused the record.

The learned counsel for the applicants submitted that initially the case was not registered under section 308 IPC. The police added that offence in the charge sheet. The applicants are already on bail in other offences. The learned counsel for the applicants further submitted that neither at the stage of committal nor any time after receipt of the record by the Sessions Court, the applicants were ever required to furnish bail under section 308 IPC.

Keeping in view the facts and circumstances of the case, the petition under section 482 CrPC is disposed of with the direction that if the applicants Lekh Ram, Rajkishore, Gautam, Bhajan Lal, Prem Pati, Ramu, Fakira and Dharmendra appear and apply for bail within one month from today, their bail prayer under section 308 IPC shall be considered and disposed of by the courts below in the light of the principles laid down in the case of Lal Kamendra Pratap Singh versus State of U.P. & others (2009) 4 SCC 437.

Till expiry of the aforesaid period of one month or appearance of the accused in the court concerned, no coercive process shall be issued and executed.

With the aforesaid observations, the petition under section 482 CrPC is disposed of.

Order Date :- 10.5.2010 RKSh