

Allahabad High Court

Jagpal vs State Of U.P. on 25 January, 2010

Court No. - 51

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1899 of 2010

Petitioner :- Jagpal

Respondent :- State Of U.P.

Petitioner Counsel :- Dr. C. P. Upadhyay

Respondent Counsel :- Govt Advocate

Hon'ble Shashi Kant Gupta,J.

Heard learned counsel for the applicants, learned A.G.A. and perused the record.

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated. It is further submitted that according to the medical report the age of the girl is about 18 years. and no definite opinion regarding rape has been given by the doctor. It is further submitted that the statement recorded under section 164 Cr.P.C. clearly indicates that no role of committing rape has been assigned to the applicant. It is further submitted that the co accused Doli has been granted bail by this Court on 27- 11-2009 in Bail Application No.31298 of 2009 It is further submitted that the applicant does not have any criminal history. The applicant is in Jail since 19-4-2009.

Keeping in view the nature of the offence, evidence, complicity of the accused ,severity of punishment and submissions of the learned counsel for the parties, I am of the view that the applicant has made out a case for bail Let the applicant Jahjpal involved in Case crime no.283 of 2009 under section 363, 365, 376 IPC, Police Station Muradnagar district Ghaziabad be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:

` (i)The applicant shall not tamper with the evidence during the trial.

(ii)The applicant will not pressurize/ intimidate the prosecution witness.

(iii)The applicant will appear before the trial court on the date fixed.

(iv) The applicant shall report to the police station concerned in the first week of each month to show his good conduct and behaviour. In case of breach of any of the above mentioned conditions the court below shall be at liberty to cancel the bail.

Order Date :- 25.1.2010 IA