

Allahabad High Court

Chhotey Lal Alias Chhaku And ... vs State Of U.P. on 7 January, 2010

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 32108 of 2009

Petitioner :- Chhotey Lal Alias Chhaku And Another

Respondent :- State Of U.P.

Petitioner Counsel :- Onkar Nath

Respondent Counsel :- Govt Advocate

Hon'ble Surendra Singh,J.

Applicants- Chhotey Lal @ Chhakku and Smt. Bhagwan Devi seek bail in Case Crime No. 1189 2009 under Sections 363/366 IPC , Police Station Kayamganj, District Farrukhabad.

Heard learned counsel for the applicants as well as learned AGA for the State and perused the material placed on record.

It is contended by the learned counsel for the applicants that applicants are brother-in-law and the real sister of the main accused. He has further contended that both, Santosh Kumar and Km. Mithlesh Kumari, are major and the victim has left her parental house and has married with co-accused Santosh Kumar on her own volition. He also pointed out that during the course of investigation the arrest of co-accused Santosh Kumar was stayed by this Court in Criminal Misc. Writ Petition No.23040 of 2009. The case of the present applicants is distinguishable from the main accused Santosh Kumar. He has further contended that the applicants are in jail since 15.9.2009 and moreover, there is no criminal history to his credit, therefore, the applicants are entitled to be released on bail.

The bail is, however, opposed by the learned A.G.A.

The points pertaining to nature of accusation, severity of punishment, reasonable apprehension of tampering the witnesses, prima facie, satisfaction regarding proposed evidence and genuineness of the prosecution case were duly considered.

Considering the totality of circumstances of the case, I consider it a fit case to enlarge the applicant on bail.

Without expressing any opinion on the merits of the case, let the applicants- Chhotey Lal @ Chhakku and Smt. Bhagwan Devi involved in aforesaid crime be released on bail on their furnishing a personal bond of Rs. 25,000/- and two sureties each in the like amount to the satisfaction of the court concerned.

Order Date :- 7.1.2010 Mt/