

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1424 OF 2018
[@ SPECIAL LEAVE PETITION (CRL.) NO. 3331 OF 2018]

SHRI RAM MURTI SINGH

Appellant(s)

VERSUS

BRIJESH SINGH & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is before this Court, aggrieved by the order dated 30.03.2018 passed by the High Court of Judicature at Allahabad in Criminal Misc. 2nd Bail Application No. 44781 of 2015, whereby the High Court granted bail to the first respondent, who is Accused No. 2 in Case Crime No. 284 of 2013, registered under Sections 147, 148, 149, 302, 34 & 120B IPC and under Section 7 of Criminal Law Amendment Act, Police Station Meja, District Allahabad.

3. Having gone through the impugned order, we are disturbed to note that there is no proper application of mind on the part of the learned Judge. The High Court, in the impugned Judgment, has held as under :-

*“Without expressing any opinion on
the merits of the case and*

considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case."

4. Obviously, the considerations recorded by the learned Judge are good enough for denial of bail and yet the learned Judge has granted the bail.

5. Be that as it may, the learned senior counsel appearing for the first respondent submits that he has been in custody since 08.08.2013. But we are informed by the prosecution that the trial has not yet been concluded. Mr. Pramod Swarup, learned senior counsel appearing for the State, submits that only 3 out of 13 witnesses have been examined. Therefore, we set aside the order dated 30.03.2018 and dismiss the application for bail. However, we make it clear that after the conclusion of the trial, it will be open to the first respondent to renew his application for bail before the trial court, in which case, the same will be considered on its own merits.

6. In view of the above, the appeal is disposed of. We direct the trial court to conclude the trial as expeditiously as possible and preferably, within four months.

7. Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[DEEPAK GUPTA]

.....J.
[HEMANT GUPTA]

New Delhi;
November 20, 2018.