

ITEM NO.1 Court 4 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s).1877/2019

HAR DAYAL @ HARPAL

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(only I.A.No. 103030/21 (Application for bail) in criminal appeal No. 1880/2019 and I.A.No. 127198 of 2021 in criminal appeal No. 1878/2019) are listed.)

WITH

IA No. 103030/2021 in CrI.A. No. 1880/2019 (II)
(FOR GRANT OF BAIL)

IA No. 127198/2021 in CrI.A. No. 1878/2019 (II)
(FOR GRANT OF BAIL)

Date : 18-11-2021 These applications were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Appellant(s)

Mr. Rudra Pratap Yadav, Adv.
Mr. Pradeep Kumar Yadav, Adv.
Mr. Vishal Thakre, Adv.
Mr. Gopal Singh, Adv.
Ms. S.B. Khan, Adv.
Mr. Sanjeev Malhotra, AOR

Mr. Nischal Kumar Neeraj, AOR

For Respondent(s)

Mr. Ankit Goel, AOR
Mr. Abhinav Aggarwal, Adv.
Mr. Birendra Kumar Mishra, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

IA No. 103030/2021 in CrI.A. No. 1880/2019

- 1 Bail has been granted by an order dated 19 August 2021 to the co-accused, Har Dayal (appellant in Criminal Appeal No 1877 of 2019).
- 2 Bail has been sought for Krishna (appellant in Criminal Appeal No 1880 of 2019), who stands convicted of an offence, *inter alia*, under Section 302 read with Section 149 and Sections 147 and 148 of the Indian Penal Code 1860. The applicant is stated to be ninety nine years old.
- 3 Mr Ankit Goel, Counsel appearing on behalf of the respondent - State, has submitted that the applicant is alleged to be one of the accused who was wielding a spear and the application for bail filed by a similarly placed accused who had also used a spear has been dismissed.
- 4 Having due regard to the age of the applicant, it would be appropriate to release him on bail, pending the disposal of the appeal. The applicant shall be released on bail pending the disposal of the appeal, subject to such terms and conditions as may be imposed by the trial court.
- 5 The application for bail is accordingly disposed of.

IA No. 127198/2021 in CrI.A. No. 1878/2019

- 1 The application for bail has been moved on behalf of Ram Adhar (second appellant in Criminal Appeal No 1878 of 2019), who stands convicted of an offence, *inter alia*, under Section 302 read with Section 149 and Sections 147

and 148 of the Indian Penal Code 1860. The applicant is 82 years old.

- 2 By an order dated 19 August 2021, the application for bail of a similarly placed appellant (Har Dayal, appellant in Criminal Appeal No 1877 of 2019) has been allowed on the ground of advanced age.
- 3 In the circumstances, considering the age of the second appellant, the second appellant is directed to be released on bail, subject to such terms and conditions as may be imposed by the trial court.
- 4 The application for bail is accordingly disposed of.
- 5 The Registry is directed to requisition the original record of the courts below so as to facilitate hearing and final disposal of the appeals.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER