

(2009) 05 AHC CK 0119

Allahabad High Court (Lucknow Bench)

Case No: None

Janardan Sharma

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: May 22, 2009

Hon'ble Judges: Ved Pal, J

Final Decision: Dismissed

Judgement

Vedpal, J.

This is an application for bail on behalf of the accused applicant Janardan Sharma who is detained in case crime no.581 of 2008 of under Section 302 I.P.C. Police Station Ghazipur, District Lucknow.

Heard the learned counsel for the applicant and the learned A.G.A. for the State and perused the record of the case.

It is argued on behalf of the applicant regarding the genuineness of the prosecution case and proposed evidence that the applicant has been falsely implicated in this case and there is no reliable evidence against him. That the F.I.R. was lodged against domestic servant and the applicant was not named in the F.I.R.. That the applicant is the son of the deceased and has been involved in the case because of property dispute. That the case against the applicant rests on circumstantial evidence and if the alleged circumstances are taken in entirety, they are not sufficient to hold the applicant guilty or to connect him with the incident in question. That no weapon of commission of offence was recovered from the possession of the applicant. The only evidence against him is that he was seen by servant in perplexed state near cinema hall and as such he deserves bail.

The bail is opposed by learned A.G.A.

I have carefully considered the respective submissions made by the parties. Admittedly, case against the applicant rests on circumstantial evidence. He is not

named in the F.I.R. No weapon of commission of offence was recovered from the possession of the applicant. In view of the facts and circumstances of the case, having regard to the nature of offence, severity of punishment, nature of supporting evidence and broad spectrum of prosecution case, I am of the opinion that it is a fit case for bail. The bail is, therefore, accorded to the applicant Janardan Sharma on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate concerned.