

Sangram Singh and others Vs State of U.P.

Court: Allahabad High Court

Date of Decision: March 8, 2010

Hon'ble Judges: Vinod Prasad, J and Rajesh Chandra, J

Final Decision: Dismissed

Judgement

Rajesh Chandra, J.

Bail cancellation application no. 71977/2008 has been filed by Gulzari Lal Rai making a prayer that the bail granted to the accusedappellants Meher Sagar and Meher Sahai be cancelled.

The facts in brief are that the aforesaid accusedappellants and two coaccused filed an appeal against the judgment and order dated 12.12.2002

passed by Session Judge, Jhansi convicting and sentencing the accusedappellants. The accusedappellants were granted bail vide order dated

19.12.2002. Gulzari Lal Rai then moved the said application no. 71977/2008 for the cancellation of their bail. This application was allowed vide

order dated 11.04.2008 and the bail of the accusedappellants was cancelled. Subsequently the accusedappellants moved an application no.

98606/2008 making a prayer that the said order for cancellation of bail may be recalled. This application was allowed vide order dated

02.05.2008 and the order dated 11.04.2008 cancelling the bail of the accusedappellants was recalled. It is in the background of the above noted

facts that the bail cancellation application is being disposed of on merits.

2. The applicant Gulzari Lal Rai has deposed in the affidavit filed in support of the application for cancellation of bail that the accusedappellant

Meher Sagar and Meher Sahai are the hardened criminals and gangsters and their criminal history has been given in the gang chart attached to the

affidavit. The District Magistrate passed orders for the externment of the above said two accused on 11.01.2002. Again a chargesheet for the

offences under Section 323, 504 I.P.C. has been filed against the said two accused and their brother Meher Prasad Yadav in Crime No.

179/2002 but the proceedings of that case have been stayed in the proceedings under Section 482 Cr.P.C. He further contended that after the

grant of bail by this Court the accusedappellants Sangram Singh and Meher Sagar indulged in criminal activities and after submission of the

chargetsheet are facing trial. Moreover the charges have been framed against the appellants Meher Sagar and Meher Sahai in G.S.T. No. 6/2004,

under Section 2/3 of the U.P. Gangster Act and Antisocial (activities) prevention Act in the Court of Special Judge, Jhansi. The accusedappellants

Meher Sagar and Meher Sahai are misusing the liberty granted by the Court and are threatening the complainant and his family members. In these

circumstances it is necessary that the bail granted to the appellants Meher Sagar and Meher Sahai be cancelled.

3. We have heard the learned counsel for the applicant Gulzari Lal Rai as well as counsel for the accusedappellants. It has been contended on

behalf of the applicant that the accusedappellants Meher Sagar and Meher Sahai are threatening the applicant as well as his family members.

However, no details have been given as to when, where and at what time these two appellants extended threats to the applicant and what was the

nature of those threats. The application for cancellation of bail was filed in the month of March, 2008. The bail in the appeal was granted to the

appellants on 19.12.2002 and right from that date up to March, 2008 the accusedappellants did not give any threat to the complainant or his family

members hence it does not appeal to the reason that after a lapse of six years after grant of bail, appellants will indulge in activity like threatening

the complainant and his family members without any ostensible reason. Moreover if any such threat was given by the appellants to the applicant

Gulzari Lal Rai he would have lodged the first information report against the appellants but no such report has been brought on record.

4. The learned counsel for the applicant next argued that after having been released on bail the appellants Meher Sagar and Meher Sahai have

been involved in a case under the Gangster Act and in another case under Section 303, 304 I.P.C. Moreover, externment orders have also been

passed against them by the District Magistrate, hence, under these circumstances their bail should be cancelled.

We have considered over the argument and we feel that it is not convincing. Merely because some case have been registered against the said

appellants, no ground for cancelling the bail is made out. The appellants have not misused the liberty of bail granted in this case and have neither

threatened the applicant nor have committed any untoward incident against him or his family members.

In the absence of any evidence regarding threats or any other incident of misuse of bail, we opine that no case for cancellation of bail is made out.

The application for cancellation of bail is therefore rejected.