

(2000) 03 AHC CK 0139

Allahabad High Court

Case No: Criminal Miscellaneous Case No. 680 (B) of 2000

Jitendra alias Jeetu

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: March 7, 2000**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 302

Citation: (2001) 1 ACR 402**Hon'ble Judges:** Khem Karan, J**Bench:** Single Bench**Advocate:** S.R. Rizvi, for the Appellant; G.A., for the Respondent

Judgement

Khem Karan, J.

Heard Sri S.R. Rizvi, learned Counsel for the applicant and the learned State counsel.

2. This is second bail application by Jitendra alias Jeetu in Crime No. 142 of 1998, u/s 302 of I.P.C., P.S. Gola, district Kheri. The first one was rejected by this Court on 24.7.1999.

3. Learned Counsel for the applicant has submitted that the applicant was just 16 years 2 months old on the date of the crime and is at present round about 18 years as per the medical report. He says that though this fact was placed before the court of sessions at the time of bail, but was inadvertently omitted in the first bail application. He has also stated that the applicant has remained in jail for near about 2 years and the trial has not progressed even an inch inspite of sufficient opportunities having been given to the prosecution to produce the evidence. He says that there is no direct evidence on the point of murder and the case rests on the circumstantial evidence. Learned Counsel for the State has, however, tried to say that nothing new has come so as to entitle the applicant to get bail.

4. The Court has considered the respective submissions and perused the relevant record and is inclined to enlarge the applicant on bail merely on the ground that he has remained in jail for about 2 years and the ground that he is of tender age.

Let the applicant Jitendra alias Jeetu be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.