

Vijendra Singh Vs State of U.P. and Another

Court: Allahabad High Court

Date of Decision: April 9, 2014

Acts Referred: Constitution of India, 1950 " Article 141, 144
Criminal Procedure Code, 1973 (CrPC) " Section 482
Penal Code, 1860 (IPC) " Section 419, 420, 468, 471

Hon'ble Judges: Het Singh Yadav, J

Bench: Single Bench

Advocate: Shujauddin, Advocate for the Appellant

Final Decision: Disposed Off

Judgement

Het Singh Yadav, J.

Heard learned counsel for the applicant, learned A.G.A. and perused the record. The applicant has filed this

application u/s 482 of the Code of Criminal Procedure 1973, (in short "the Code") seeking direction to the lower court concerned to consider and

decide his bail applications on the same day if filed by the applicant in the court below in Case Crime No. 145 of 2014 under Sections 419, 420,

468, 471 I.P.C. Police Station-Kotwali Nagar, District-Bijnor.

2. It is submitted by the learned counsel for the applicant that the applicant is not named in the F.I.R. As per the F.I.R. version, co-accused Satish

@ Ved Prakash was arrested by the police while he was appearing as dummy of examinee in TET examination. During interrogation before the

police, he said to have been disclosed the name of the applicant also. Except confessional statement of co-accused, which is not a readable

evidence, before the police, there is no other credible, prima facie, evidence showing the complicity of the applicant in the crime. Learned counsel

for the applicant strenuously urged that the court below be directed to consider and dispose of bail application of the applicant on the same day on

which it is to be filed, in view of law laid down in the case of Amarawati and Another (Smt.) Vs. State of U.P., , which has been affirmed by the

Hon"ble Supreme Court in Lal Kamendra Pratap Singh Vs. State of U.P. and Others, .

3. Learned A.G.A. repudiates the submission made as above. It is argued that this court cannot exercise its inherent power u/s 482 of the Code

giving direction regarding the manner in which the bail application of the applicant should be considered by the court below as held by the apex

court in S.E. Investment Ltd. Vs. Purnendu Shekharmal Jain and others in Criminal Appeal No. 1493 of 2012.

4. A seven Judges Bench of this Court in Amrawati's Case (Supra) has dealt with comprehensively with the law in respect to the prayer for

hearing the bail application on the same day which has been approved by the apex court in Lal Kamendra Pratap Singh's Case (Supra).

5. The law declared by the Hon"ble Supreme Court shall be binding on all courts. All authorities, civil and judicial in the territory of the country

shall act in aid of the Supreme Court as enshrined under Articles 141 and 144 of the Constitution of India. Therefore, no specific direction need be

issued to follow the law laid down as above in Lal Kamendra Pratap Singh's Case (Supra). The courts below are supposed to follow the law laid

down as above by this Court in Amrawati's Case (supra) which has been approved by Hon"ble Supreme Court in Lal Kamendra Pratap Singh's

Case (Supra) in letter and spirit. The application is disposed of finally.