
(2000) 01 SC CK 0028

Supreme Court of India

Case No: Criminal Appeal No. 2 of 2000 (Arising out of S.L.P. (Cr.) No. 2894 of 1999)

Vivek Kumar

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Jan. 4, 2000

Acts Referred:

- Penal Code, 1860 (IPC) - Section 149, 395

Citation: (2000) 1 ACR 481 : AIR 2000 SC 3406(1) : (2001) 1 ALD(Cri) 100 : (2000) CriLJ 2774 : (2000) 1 JT 552 : (2000) 9 SCC 443

Hon'ble Judges: M. B. Shah, J; K. T. Thomas, J

Bench: Division Bench

Final Decision: Disposed Of

Judgement

1. Leave granted.

2. We are told that the appellant is in jail from 4-4-98 in connection with offences under Sections 307 and 395 read with Section 149 of the Indian Penal Code. It is quite a long period that he has been in custody without commencing the trial. There is no need to detain him further in custody and therefore we are inclined to release him on bail, notwithstanding the suppression of certain factual position when the bail application was filed. It would not have been done by the appellant. We feel that lapses on the part of the counsel should not in this case be allowed to prejudice the appellant who is languishing in jail.

3. For the aforesaid reasons we order that the appellant be released on bail on execution of a bond with two solvent sureties to the satisfaction of Chief Judicial Magistrate, Pratapgarh.

4. The Appeal is disposed of.