

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.1673 OF 2019
(Arising out of SLP(Cr1.)No.5506/2018)

NADEEM

... APPELLANT

Versus

THE STATE OF UTTAR PRADESH & ANR.

... RESPONDENTS

WITH

CRIMINAL APPEAL No.1674 OF 2019
(Arising out of SLP(Cr1.)No.5507/2018)

O R D E R

Leave granted.

These appeals, by way of special leave, are directed against orders dated 20.04.2018 and 25.05.2018 passed by the High Court of Judicature at Allahabad in Criminal Misc. Bail Application Nos.14597/2018 and 18428/2018 respectively whereby the High Court granted bail to Nazim [respondent no.2-accused in SLP(Cr1.)No. 5506/2018] and Monu alias Ikram [respondent no.2-accused in SLP(Cr1.)No. 5507/2018] (referred to as respondents-accused hereinafter) with certain conditions in Case Crime No.440 of 2016, under Sections 364, 302, 201/34 IPC, P.S. Lisari Gate, District Meerut in both the matters.

According to the prosecution case, the F.I.R. was lodged by the appellant-complainant on 01.07.2016 against unknown persons, alleging that since the night of 30.06.2016 his son Zishan was missing. On 02.07.2016 police recorded statement of appellant-complainant U/s 161 Cr.P.C., wherein he expressed his suspicion that respondents-accused, his neighbours, have abducted his son. On 04.07.2016, the appellant submitted a written statement before I.O. stating that one Asif alias Chotu and Shahid told him that they saw respondents-accused and two others taking away his son at around 9-9.30 p.m. Thereafter, the police arrested the accused persons on the same day and recorded their confession in which they stated that they abducted and killed the deceased. On 19.08.2016, after investigation, charge sheet was filed against the accused persons under Sections 364/302/201/34 IPC before the trial court.

The trial court vide order dated 27.07.2017 rejected bail application of Nazim [respondent no.2-accused in SLP(Cr1.)No. 5506/2018]. Thereafter, Monu alias Ikram [respondent no.2-accused in SLP(Cr1.)No. 5507/2018] approached High Court twice for grant of bail, which were rejected by the High Court vide orders dated 24.01.2017 and 16.02.2018. As discussed above, vide impugned orders dated 20.04.2018 and 25.05.2018 respectively the High Court granted bail to both the accused with certain conditions. Dissatisfied with the orders of the High Court, the appellant-complainant has approached this Court by way of present appeals.

This Court on 09.07.2018 while issuing notice directed respondent No.1 - State not to release respondents-accused, if not already released.

We have heard learned counsel for the parties and perused the counter affidavit filed on behalf of respondent No.1 - State carefully.

It has been brought to our notice by the learned counsel for the respondents-accused that in view of order dated 09.07.2018 passed by this Court, the respondents-accused have not been released in spite of bail granted by the High Court and they are still in jail.

We have also been informed that Case Crime No.8/2017 under Sections 2/3 of the U.P.Gangster Act has also been registered against the respondents-accused.

In addition to the above, it has also been brought to our notice that the trial is adjourned because of the pendency of the matter before this Court.

Learned counsel for the parties agreed that the instant appeals can be disposed of with the direction to the trial court to dispose of the matter pending before it expeditiously.

Considering the totality of facts and circumstances of the present cases, in our opinion, the ends of justice would be met if the impugned orders of the High Court dated 24.04.2018 and 25.05.2018 granting bail to the respondents-accused are set aside and the trial court is directed to dispose of S.T. No.1006 of 2016 (Case Crime No. 440/2016, P.S. Lisari Gate, District Meerut under Sections 364, 302, 201/34 IPC), pending adjudication before the Fast Track Court, 1st Meerut as expeditiously as possible preferably within a period of six months from the date of receipt/production of a copy of this order. Ordered accordingly.

For the foregoing reasons, the appeals stand disposed of.
As a sequel to the aforementioned, pending interlocutory applications, if any, also stand disposed of.

.....J.
(N.V.RAMANA)

.....J.
(V. RAMASUBRAMANIAN)

NEW DELHI;
NOVEMBER 08, 2019.

ITEM NO.30

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s).5506/2018

(Arising out of impugned final judgment and order dated 20-04-2018 in CRMB No.14597/2018 passed by the High Court of Judicature at Allahabad)

NADEEM

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

WITH

SLP(Cr1) No.5507/2018 (II)

Date : 08-11-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Nikhil Jain, AOR
Mr. Satya Prakash, Adv.

For Respondent(s) Ms. Aishwarya Bhati, AAG
Mr. Sarvesh Singh Baghel, AOR

Mr. Ajit Singh Pundir, AOR
Mr. Arijeet Singh, Adv.
Mr. R. Karuppiah, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals stand disposed of in terms of the signed order. As a sequel to the aforementioned, pending interlocutory applications, if any, also stand disposed of.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)