

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1478 OF 2017
(Arising out of S.L.P. (Crl.) No. 1158 of 2017)

AZAM

Appellant(s)

VERSUS

KAFIYA & ANR.

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Heard the learned counsel appearing for the parties.
- 3) An extremely gruesome murder took place, where both husband and wife have been implicated by the Complainant, who is none other than the father of the deceased. The Complainant very clearly implicates both in the murder of his son, which was stated to be because their son was in love with the daughter of the accused.
- 4) We are informed that the trial is at an advanced stage, and since we have stayed the impugned order dated 03.11.2016, the respondent continues to be in jail. We do not think this was a fit case in which bail should have been granted, particularly for the reason stated by the High Court that the ocular version has been in contradiction to the medical evidence which, as admitted by learned counsel appearing on behalf of the respondent, is incorrect.

- 5) We, therefore, set aside the order of the High Court.
- 6) The appeal is allowed accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
August 21, 2017.

ITEM NO.37

COURT NO.12

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 (Crl.) No(s). 1158/2017

(Arising out of impugned final judgment and order dated 03-11-2016 in CRMBA No. 37421/2016 passed by the High Court Of Judicature At Allahabad)

AZAM

Petitioner(s)

VERSUS

KAFIYA & ANR.

Respondent(s)

Date : 21-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Pradeep Kumar Mathur, AOR

For Respondent(s) Ms. Aishwarya Bhati, AAG
Ms. Ritu Apurva, Adv.

Mr. Girdhar G. Upadhyay, Adv.
Ms. Asha Upadhyay, Adv.
Mr. J.P. Tripathi, Adv.
Mr. Braham Singh, Adv.
Mr. R. D. Upadhyay, AOR

Anuvrat Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)