

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.1504 OF 2019
(Arising out of SLP(CrI.)No.1969/2019)

SYED MOHD. ABU TARABI

... APPELLANT

Versus

ZAFAR HAIDER ALIAS RAZA HAIDER ALIAS RAJAU & ANR.

... RESPONDENTS

O R D E R

Leave granted.

The instant appeal, by way of special leave, is directed against order dated 29.11.2018 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Criminal Appeal No.186 of 2018 whereby the High Court granted bail to respondent No.1/accused during the pendency of the appeal. The Respondent No.1 was convicted by the trial court in Gangster Case No.849 of 2012, arising out of Crime No.97 of 2007, under Sections 302, 307, 323 IPC and Section 30 of the Arms Act and sentenced him to undergo life imprisonment for the offence under Section 302 IPC, ten years R.I. for the offence under Section 307 IPC, two year R.I. for the offence under Section 323 IPC and six months R.I. for the offence under Section 30 Arms Act with further stipulation of fine and imprisonment in default.

It is submitted by the learned counsel for the appellant that respondent No.1-accused is a hardened criminal and has a criminal history. It is further submitted that he has committed two

more offences after being released on bail. Lastly, the learned counsel for the appellant submitted that while granting bail to respondent No.1/accused, the High Court has failed to consider his criminal antecedents.

Having heard learned counsel for the parties and carefully perusing the material placed before us, we find that the High Court has not recorded any reason while granting bail to respondent No.1. The High Court has also failed to note that respondent No.1/accused was convicted and sentenced for life imprisonment under Section 302 IPC, by the reasoned and detailed judgment of the trial court. Apart from that he has undergone only around 11 months imprisonment.

In view of the above, we are of the considered opinion that it was not appropriate for the High Court to grant bail to respondent No.1/accused during the pendency of the appeal.

We accordingly set aside the impugned order passed by the High Court. The bail bonds of respondent No.1/accused are cancelled and he is directed to surrender before the concerned trial court within a period of two weeks from today to serve out the remaining sentence.

The appeal stands allowed to the extent indicated above.

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

.....J.
(SANJIV KHANNA)

NEW DELHI;
SEPTEMBER 27, 2019.

ITEM NO.35

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 (CrI.) No(s).1969/2019

(Arising out of impugned final judgment and order dated 29-11-2018 in CRLA No.186/2018 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow)

SYED MOHD. ABU TARABI Petitioner(s)

VERSUS

ZAFAR HAIDER ALIAS RAZA HAIDER ALIAS RAJAU & ANR. Respondent(s)

Date : 27-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Ms. Vanshaja Shukla, AOR
Mr. Rishad Murtaza, Adv.
Ms. Anuja Pethia, Adv./

For Respondent(s) Mr. V.K. Shukla, Sr.Adv.
Mr. Rohit Pandey, Adv.
Mr. Prabhu Singh, Adv.
Ms. Sukriti Chauhan, Adv.
Mr. Varad Dwivedi, Adv.
Mr. Satvic Mathur, Adv.
Ms. Taruna Ardhendumauli Prasad, AOR

Mr. Rohit K. Singh, AOR
Mr. Nagendra Singh, Adv.
Mr. Mirza Kayesh Begg, Adv.

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

Leave granted.

The appeal stands allowed to the extent indicated in the signed order.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)