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2024 INSC 250

**NON-REPORTABLE**

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO……OF 2024**
**(ARISING OUT OF S.L.P. (CRIMINAL) NO. 10254 OF 2023)**

**RAM MURTI SHARMA … Appellant (s)**

***VERSUS***

**STATE OF UTTAR PRADESH AND ANOTHER … Respondent(s)**

# J U D G M E N T

**Rajesh Bindal, J.**

Leave granted.

2. The order[1] passed by the High Court[2] in the bail application[3], whereby the respondent no.2 has been directed to be released on bail, is challenged by the complainant.

[1] Dated 03.08.2023
[2] High Court of Judicature at Allahabad
[3] Criminal Misc. Bail Application No.4895 of 2023

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3. Brief facts are that an FIR No.733 of 2022[4] was registered on the complaint of the appellant-complainant alleging murder of his son. During investigation involvement of respondent no.2 was found. He was taken into custody on 15.06.2022. The bail application[5] filed by him was dismissed by the Sessions Judge[6] on 23.09.2022, while recording the reasons in detail. Aggrieved by the aforesaid order, bail application was filed by the respondent no.2 before the High Court. The same was allowed on 03.08.2023, directing release of the respondent no.2 on bail. It is the aforesaid order which is impugned before this Court.

4. Learned counsel for the appellant-complainant submitted that while directing release of the respondent no.2 on bail, the High Court has failed to consider the relevant facts, which clearly led to his involvement in the crime. Merely, after briefly noticing the stand taken by the parties, the bail application was allowed by the High Court. The same is totally in contravention of the law laid down by this Court in terms of which reasons, in brief, are required to the given.

[4] Dated 12.06.2022 with the P.S. Indirapuram, Dist. Ghaziabad
[5] Bail Application No.5754/2022
[6] Sessions Judge, Ghaziabad

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5. Learned counsel for the respondent No. 1-State supported the stand taken by the learned counsel for the appellant. Though, the order of the High Court has not been challenged by the State as such.

6. On the other hand, learned counsel for the respondent no.2 submitted that it is a case in which the respondent no.2 is not named in the FIR. He had already suffered incarceration for approximately one year and two months. The High Court, after considering relevant materials and keeping in view the fact that any detailed finding would have prejudiced the case of other side, directed the release of the respondent no.2 on bail. There is nothing pointed out regarding the conduct of the respondent no.2 after he was released on bail. It should be considered as a relevant factor at this stage in the present appeal seeking cancellation of the bail, granted to the respondent no.2.

7. We have heard learned counsel for the parties and perused the paper book.

8. The respondent no.2 in the case in hand is involved in heinous crime where murder of the son of the appellant-complainant had taken place. Respondent no.2 was not named in the FIR. However, when the matter was investigated in detail, the police could gather evidence pointing out involvement of the respondent no.2 in crime. The material

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collected was discussed in detail by the Sessions Judge while rejecting the bail application of the respondent no.2. However, the High Court merely noticing the arguments raised primarily by the counsel for the respondent no.2 has directed for his release on bail, which in our opinion cannot be legally sustained.

9. For the reasons mentioned above, the appeal is allowed. The impugned order passed by the High Court is set aside. The respondent no.2 is granted three weeks' time to surrender. We make it clear that nothing in the above said order shall prejudice the respondent no.2 in any subsequent proceedings relating to the crime. The above order shall not debar the respondent no.2 from filing a fresh bail application at any subsequent stage, which shall be considered by the court concerned on its own merits.

.....J.
(SUDHANSU DHULIA)

.....J.
(RAJESH BINDAL)

New Delhi
March 22, 2024.