

PETITIONER:
GIANI PRATAP SINGH

Vs.

RESPONDENT:
STATE OF RAJASTHAN & ANR.

DATE OF JUDGMENT 04/09/1995

BENCH:
AHMADI A.M. (CJ)
BENCH:
AHMADI A.M. (CJ)
SEN, S.C. (J)

CITATION:
1996 AIR 74 1995 SCC (5) 591
1995 SCALE (5) 93

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

On 26th December, 1990, the appellant was arrested by the SHO, Police Station, Nanded, in connection with FIR No. 150.90. The charge-sheet was filed against the appellant and also other accused persons for an offence under Section 6 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 read with Sections 286, 120B and 34 of Indian Penal Code read with Section 9(B) of the Indian Explosives Act, on 19th December, 1991. The appellant is a priest. He is now in jail for more than four years and eight months continuously except for a short period of 21/2 months when he was on parole on medical grounds. The minimum sentence under Section 6 of the TADA Act is only five years.

The appellant applied for grant of bail some time in June, 1994. Before the appellant had made several applications for bail, which were all rejected.

On 18th January, 1995, the Designated Court once again rejected the bail application stating, inter alia, that no fresh ground had come into existence for granting bail, since June, 1994 when the last bail application was rejected.

We have perused the record of the case heard counsel for both the parties. We are of the view that in the facts of this case, the appellant should be released on bail.

The order dated 18th January, 1995 passed by the Designated Court for Rajasthan, Ajmer, is set aside.

The appellant herein, Giani Pratap Singh, is directed to be released on bail on executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties of the like amount to the satisfaction of the Designated Court, Ajmer, Rajasthan.

The undertrial accused shall, on being released on bail, present himself at the police station which has prosecuted him at least once in a week. He will also make

himself available for interrogation and trial as and when necessary. He shall not leave the area falling within the jurisdiction of the Designated Court, except with the permission of the Judge of the Designated Court. The Designated Court will be at liberty to cancel bail, if any of the conditions of bail are violated or a case of cancellation of bail is otherwise made out. It will also be open to the respondents to move for cancellation of the bail in case the appellant refuses to co-operate in the trial or interrogation.

The appeal is disposed of accordingly.

JUDIS