

Court No. - 23

WWW.LIVELAW.IN

**Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1612
of 2022**

Applicant :- Sidhique Kappan

Opposite Party :- State Of U.P.Thru.Prin.Secy.Home Lko.

Counsel for Applicant :- Ishan Baghel

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

Heard Sri Ishan Baghel, learned counsel for the applicant and Sri Rajiv Kumar, learned A.G.A.

At the very outset, learned A.G.A. has raised preliminary objection regarding maintainability of the bail application at this Court by submitting that the F.I.R. was lodged at Police Station Mant, District Mathura and the investigation carried out there, therefore, this bail application should have been filed before this Court sitting at Allahabad. He has further submitted that certain cases in the same crime case of the co-accused are pending consideration before this Court at Allahabad.

On that Sri Baghel has submitted that trial of the present case is going on at N.I.A. Special Court/Additional Sessions Judge-III, Lucknow, therefore, the aforesaid objection raised by the learned A.G.A. is misconceived and this application may be entertained at this Court.

Having considered on the point of maintainability of the bail application, I find that since the trial of the present case is going on at Lucknow, therefore, the present bail application is liable to be entertained at Lucknow.

Accordingly, the objection raised by the learned A.G.A. on maintainability of the present bail application, is rejected.

Thereafter, learned A.G.A. prays for some time to file counter affidavit by submitting that he has received complete instructions in the matter.

Let the counter affidavit be filed by within a period of three weeks and no more.

List on 14.3.2022, as fresh, if possible, within top ten cases.

On the next date, if the counter affidavit is not filed, the bail application may be heard and disposed of finally on the basis of

material available on record and the arguments so advanced by learned counsel for the parties.

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(Rajesh Singh Chauhan, J.)

Order Date :- 21.2.2022

Arjun/-