

Cr.A.No.970 of 2013
Cr.A.No.1225 of 2013

05.04.2016

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Ms.Gunja Rasool, learned counsel for the appellant in Cr.A.No.970/2013.

Shri Dinesh Tiwari, learned counsel for the appellant in Cr.A.No.1225/2013.

Shri Brahmatt Singh, learned Govt. Advocate for the respondent/State.

I.A.No.6848/2016 - application for suspension of sentence.

This is repeat bail application filed on behalf of the applicant – **Sukhendra Tiwari**.

The only ground that needs consideration in this application, as pressed, is that, the applicant has already undergone eight years of actual imprisonment. Further, inspite of hearing of appeal having been expedited, the matter is unlikely to reach immediately.

We fail to understand as to how the matter will not reach if it proceeds under priority category “**Criminal (Appeal): Supreme Court Expedited/Direction Cases (1)**”. There are hardly any matters under that category. Merely, because the applicant has undergone actual

imprisonment of 8 years in connection with the alleged crime, cannot be the basis to grant bail to the applicant. Instead, we direct the Registry to proceed the appeal in question (Cr.A.No.970/2013) under priority category **Criminal (Appeal): Supreme Court Expedited/ Direction Cases (1)** in terms of Supreme Court order dated 17.02.2014 in SLP (Crl) No.1417/2014. In addition, matter to proceed under category “**Criminal (Appeal): Appeals Against Conviction – Life Imprisonment – Others – In Jail (13.ii.(III).A)**”, whichever is earlier as per its turn.

If the appeal does not mature for hearing within one year from today, the applicant will be free to take out fresh application for bail which can be considered on its own merits, in accordance with law.

Application **disposed of** accordingly.

Cr.A.No.1225 of 2013

Shri Dinesh Tiwari, learned counsel for the appellant.

Shri Brahmatt Singh, learned Govt. Advocate for the respondent/State.

I.A.No.6811/2016 - application for suspension of sentence.

This bail application is filed by the main accused –

Vikas Seth. The fact that the co-accused has been released on bail cannot be the basis to grant bail to this applicant. There is ample evidence to indicate the complicity of the applicant in the commission of the crime. Besides, the hearing of this appeal has already been expedited and directed to proceed under priority category “**Criminal (Appeal): Supreme Court Expedited/ Direction Cases (1)**” in terms of order passed today in **I.A.No.6848/2016** – application for suspension of sentence.

Accordingly, this application is also **disposed of** with the same observation made in Cr.A.No.970/2013.

(A. M. Khanwilkar)
Chief Justice

(Sanjay Yadav)
Judge

AM.