

SUPREME COURT OF INDIA

Hemant Rai

Vs.

Allauddin & Anr.

Crl.A.No.214 of 2008

(Altamas Kabir and J.M.Panchal,JJ.)

28.01.2008

ORDER

[Arising out of SLP(Crl.)No.6860 of 2006]

1. Leave granted.

2. In this appeal, the brother of the deceased has prayed for cancellation of the bail granted to respondent No.1 Allauddin, despite his conviction under Sections 147, 148, 302/149 of the Indian Penal Code and Sections 25/27 of the Arms Act. The manner in which the deceased was killed and the other facts as revealed, in our view, did not warrant release of the respondent No.1 on bail while the appeal was pending before the High Court.

3. Having heard learned counsel for the respective parties, we, therefore, cancel the bail granted to the respondent No.1 and direct that he be taken into custody forthwith. Having regard to the fact that the respondent No.1 has already undergone seven years' imprisonment, we also request the High Court to dispose of the pending appeal expeditiously.

4. The appeal stands allowed.