

IN THE COURT OF DISTRICT SESSION JUDGE LUCKNOW

Bail Application No. of 2014

Banwari Lal Kanchal, aged about 68 years, son of Sri Chiman Lal,
resident of 66, Shastrinagar, P.S.Bazaar Khala, Lucknow.

.....Applicant
(in jail)

In re:

State versus Banwari Lal Kanchal and others
Case No.9303/2007
Crime No.231-A/1987
U/s 332 I.P.C.
P.S.Aminabad

APPLCATION FOR BAIL

The applicant most humbly and respectfully submits as under:-

1. That the applicant on 28.07.2014 surrender before the learned Judicial Magistrate III Lucknow in above noted Case No.9303/2007 and Crime No.231-A/1987 U/s 332 I.P.C P.S.Aminabad Lucknow as the learned Trial Court has issue process against the applicant and he came about the pending proceeding before the learned Magistrate on 28.07.2014 itself.
2. That the learned Magistrate has rejected the bail application of the applicant on the ground that non-bailable warrant has been issued together with process U/s 82 Cr.P.C. against the applicant but the bonafide of the applicant has not been considered by the learned Court below.
3. That the applicant is a law abiding and peaceful citizen involved in social work all these years and he has every respect for the judicial system of the Country.
4. That Police Aminabad has impleaded the applicant in the above noted case together with three other persons, namely, Thakur Das, Govind Kumar and Ramesh Kumar on frivolous ground.
5. That the other three accused have already been acquitted from the case after trial as their case has been separated from the original case no.5870/92 and earlier the applicant got himself admitted on bail on 25.06.1996 in Criminal

Case No.1855/1996 and after getting himself admitted on bail he appeared in the proceeding upto 19.04.1997 and thereafter he could not appear due to want of knowledge of the proceeding and the other three accused have also informed the applicant that the case has been decided.

6. That the applicant is a social worker as well as political leader also and he mostly remain busy in the social work engagement of organization as well as in attending the parliamentary session as otherwise there was no occasion for him to absent himself intentionally from the proceeding of the case.
7. That neither summon nor warrant has been served upon the applicant all these years and due to this reason also he could not appear before this Hon'ble Court. The applicant cannot never think about jumping of the bail order and he is regularly attending other cases of the similar nature pending against him in this judgeship.
8. That the applicant is ready to furnish fresh sureties to ensure his regular presence in future in the above noted case as the offence under Section 332 I.P.C is now bailable with effect from 23.06.2006 and the applicant under takes not to misuse his liberty pending trial incase he is granted bail.
9. That the applicant is not a criminal but he is a respectable person of the society having no criminal history and whatever complaints have been made against him relates to his involvement for social cause only. The applicant was during the intervening period was also Member of Rajya Sabha as such he is already a known person as such there was no occasion for the Police Aminabad that the summon of the case could not serve upon him. Since other three co-accused have already been acquitted from the offense and similar case there is no reason to separate trial.
10. That the offense U/s 332 I.P.C is now a bailable offense with affect from 23.06.2006 as per Section 42 of Amended Act 25 of 2005 and the applicant has already given the undertaking before the learned Magistrate that he is ready to furnish the fresh surities as on of the sureties earlier submitted in the case has expired and to avoid any controversy the applicant was ready to submit a fresh sureties so that the trial may be concluded on an earliest possible occasion.
11. That the applicant has not committed any offense which is against the public policy and being a political leader as well as office bearer of association he has to look after the welfare of common people as well as members of the

association and in other similar cases the applicant is regularly attending the proceeding as such there was no occasion for the applicant to avoid the proceeding of said case before the learned Trial Court. it is relevant to mention here that summon of the case has never been served even First Information Report is not available in the judicial record of learned Trial Court and the record of learned Trial Court also indicate that the learned Magistrate has passed order to issue summon, bailable warrant and there after non-bailable warrant but the office has never issue the summon for warrant to the applicant which amounts latches in the proceedings and without ascertaining service of the summon upon the applicant the coercive action has been taken.

12. That the learned Magistrate has not considered this important aspect of the case that the applicant on his own appeared before the learned Trial Court by surrendering himself immediately after the knowledge of the proceeding though the case is listed for hearing before the learned Trial Court on 29.07.2014 and now the learned Trial Court has fixed 11.08.2014.
13. That the applicant further undertakes that he will appear in the proceeding in future or abide by the conditions imposed against him by this Hon'ble Court.

PRAYER

It is therefore, most respectfully prayed that the Hon'ble Court be pleased to admit the applicant on bail pending trial.

The applicant shall ever pray for this act of Kindness.

Lucknow
Dated:30.07.2014

Advocate
Counsel for Applicant

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P.S.Aminabad

APPLICATION FOR BAIL

The applicant most humbly and respectfully prays that for the facts ad circumstances stated in the accompanying affidavit the Hon'ble Court be pleased to admit the applicant on bail pending trial.

The applicant shall ever pray for this act of Kindness.

Lucknow
Dated:30.07.2014

Advocate
Counsel for Applicant

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AFFIDAVIT IN SUPPORT OF APPLICATION FOR BAIL

I, Sachin Kanchhal, aged about 44 years, son of Sri Banwari Lal Kanchhal, resident of 66 Shastri Nagar, P.S.Bazaar Khala, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the son of applicant and doing pairvee of the case on his behalf as such he is fully conversant with the facts deposed.
2. That the applicant on 28.07.2014 surrender before the learned Judicial Magistrate III Lucknow in above noted Case No.9303/2007 and Crime No.231-A/1987 U/s 332 I.P.C P.S.Aminabad Lucknow as the learned Trial Court has issue process against the applicant and he came to know about the pending proceeding before the learned Magistrate on 28.07.2014 itself when he came back from Baijnath Dham (Jharkhand) in the morning.
3. That the learned Magistrate has rejected the bail application of the applicant on the ground that non-bailable warrant has been issued together with process U/s 82 Cr.P.C. against the applicant but the bonafide of the applicant has not been considered by the learned Court below.
4. That the applicant is a law abiding and peace loving citizen involved in social work all these years and he has every respect for the judicial system of the Country.

5. That Police Aminabad has impleaded the applicant in the above noted case together with three other persons, namely, Thakur Das, Govind Kumar and Ramesh Kumar on frivolous ground.
6. That the other three accused have already been acquitted from the case after trial as their case has been separated from the original case no.5870/92 and earlier the applicant got himself admitted on bail on 25.06.1996 in Criminal Case No.1855/1996 and after getting himself admitted on bail he appeared in the proceeding upto 19.04.1997 and thereafter he could not appear due to want of knowledge of the proceeding and the other three accused have also informed the applicant that the case has been decided.
7. That the applicant is a social worker as well as political leader also and he mostly remain busy in the social work engagement of organization as well as in attending the Parliamentary Session as otherwise there was no occasion for him to absent himself intentionally from the proceeding of the case.
8. That neither summon nor warrant has been served upon the applicant all these years and due to this reason also he could not appear before this Hon'ble Court. The applicant may never think about jumping of the bail order and he is regularly attending other cases of the similar nature pending against him in this judgeship.
9. That the applicant is ready to furnish fresh sureties to ensure his regular presence in future in the above noted case as the offence under Section 332 I.P.C is now bailable with effect from 23.06.2006 as per Section 42 of Amended Act 25 of 2005 and the applicant undertakes not to misuse his liberty pending trial incase he is granted bail.
10. That the applicant is not a criminal but he is a respectable person of the society having no criminal history and whatever complaints have been made against him relates to his involvement for social cause only. The applicant during the intervening period was also Member of Rajya Sabha as such he is already a known person as such there was no occasion for the Police Aminabad not to serve the summon of the case. Since other three co- accused have already been acquitted from the offense and in the similar case there is no reason for separate trial.
11. That the applicant has not committed any offense which is against the public policy and being a political leader as well as office Bearer of association he has to look after the welfare of common people as well as members of the association and in other similar cases the applicant is

regularly attending the proceeding as such there was no occasion for the applicant to avoid the proceeding of said case before the learned Trial Court. It is relevant to mention here that summon of the case has never been served even First Information Report is not available in the judicial record of learned Trial Court and the record of learned Trial Court also indicate that the learned Magistrate has passed order to issue summon, bailable warrant and there after non-bailable warrant but the office has never issue the summon and warrant to the applicant which amounts latches in the proceedings and without ascertaining service of the summon upon the applicant the coercive action has been taken.

12. That the learned Magistrate has not considered this important aspect of the case that the applicant on his own appeared before the learned Trial Court by surrendering himself immediately after the knowledge of the proceeding on 28.07.2014 though the case is listed for hearing before the learned Trial Court on 29.07.2014 (declared holiday on the occasion of Id-ul-Fitre) and now the learned Trial Court has fixed 11.08.2014. Thus, the applicant is in jail from 28.07.2014 on a offense which is bailable.
13. That the applicant further undertakes that he will appear in the proceeding in future or abide by the conditions imposed against him by this Hon'ble Court and he is ready to furnish fresh sureties as one of the surety died pending trial and the applicant will make available him whenever his presence is required in the trial.
14. That the applicant is also a senior citizen and presently he is engaged in completing his important book to supplement his earlier publications and incase he is not immediately released from jail, the applicant will suffer irreparable injury and also he will be deprived from his valuable mission towards society in large.

Lucknow

Dated:30.07.2014

Deponent

VERIFICATION

I, the deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge.

Signed and verified on this 30th day of July 2014 at Lucknow.

Lucknow

Dated:30.07.2014

Deponent

I identify the deponent who has signed before me.

Advocate