



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 368 of 2022

Pintu @ Bharat

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Ashish Pandey, Bhishm Pal Singh,
Sanjay Babu Kesharwani, Shyam Babu
Vaish
Counsel for Respondent(s) : G.A.

Court No. - 92

HON'BLE JAI PRAKASH TIWARI, J.

Order on Criminal Misc. Bail (Suspension of Sentence) Application

The instant matter has been taken out of turn on the mention made by learned counsel for the appellant.

As per learned AGA, notice has already been served upon O.P. No.2/informant on 18.11.2025. Despite service of notice, none is present for O.P. No.2.

Heard learned counsel for the appellant, learned A.G.A. for the State and perused the record.

This criminal appeal has been preferred with prayer to allow the application and release the appellant on bail, suspend the sentence of the appellant in P.S.T. No. 113 of 2018, (State Versus Pintu @ Bharat) arising out of Case Crime No. 396 of 2018 under Sections 363, 366 IPC & 4 POCSO Act, Police Station Kotwali Dehat, District Etah arising out of judgment and order dated 25.11.2021 passed by learned Additional Sessions Judge/ Special Judge, (Rape-POCSO Act)-II, Etah, whereby the appellant has been awarded the maximum sentence of ten years' rigorous imprisonment and total fine of Rs. 65,000/- with default stipulation and further prays to stay realization of fine during the pendency of appeal.

Learned counsel for the appellant submits that applicant is innocent and has been falsely implicated in the present case. Further submits that the learned trial court did not appreciate the evidence on record in proper way but convicted and sentenced the appellant for a maximum period of ten years imprisonment with fine. Further submits that as per custody certificate,

appellant/ applicant has already served more than seven years and five months with remission. Further submits that as per medical report prepared on 2.7.2018, no injury was seen on the body of the victim. Judgment and order passed by learned trial court is based on conjectures and surmises and absolutely there is no evidence against the appellant. Since hearing of appeal is also not likely to be completed in near future, therefore, request to release the appellant on bail during the pendency of appeal.

Per contra, learned AGA has opposed the prayer for bail of the appellant.

Having considered the rival submissions made by learned counsel for the parties and on perusal of the record, it is evident that maximum sentence awarded to the appellant is for a period of ten years and out of maximum sentence of ten years, appellant has already served more than seven and half years and the final disposal of the appeal likely to take time, as such, the appellant has made out a case for bail.

The prayer for bail is accordingly **allowed**.

Let the appellant- **Pintu @ Bharat** be released on bail in the aforementioned case crime number during pendency of this appeal on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

On acceptance of bail bonds, the court below shall transmit the xerox copies thereof to this Court for being kept on record.

Realization of fine, to the extent of 50% shall remain stayed and remaining 50% of the amount of fine shall be deposited by the appellant within one month from the date of his release before the Court below.

Order on Appeal

List in due course.

February 2, 2026
KK Patel

(Jai Prakash Tiwari,J.)