

Court No. - 48

Case :- CRIMINAL APPEAL No. - 161 of 2021

Appellant :- Monu

Respondent :- State of U.P.

Counsel for Appellant :- Rajendra Babu Gaur,Ajai Singh Patel,Shyam Narayan Verma,Usha Srivastava,Vinod Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Siddhartha Varma,J.

Hon'ble Manish Kumar Nigam,J.

Re: Criminal Misc. IInd Bail Application No. 05 of 2022

This is a second bail application. The first bail application was rejected by Co-ordinate Bench of this Court vide order dated 25.10.2021.

Heard Shri Vinod Kumar Srivastava learned counsel for the appellant, Shri Vikram Bahadur Singh learned counsel appearing for the State and perused the record.

The instant application has been filed to release the appellant on bail in Session Trial No. 257 of 2012, arising out of Case Crime No. 19 of 2012, under Sections 302, 354, 452 of I.P.C., Police Station - Paraur, District - Shahjahanpur.

Contention of the learned counsel for the appellant is that the appellant relying upon the judgment stated that the appellant is in jail 05.02.2012 and even today he is in jail and therefore, he is completed custody of about 11 years, 3 months actually. Learned counsel for the appellant submitted that the appellant has no criminal history and the behaviour of the appellant was to the satisfaction of the Jail Authorities. Still further, learned counsel for the appellant submits that since the appeal is not likely to be heard and decided expeditiously in the near future, the appellant is, therefore, entitled to be released on bail.

Learned counsel for the appellant has placed reliance on the decisions of Supreme Court rendered in **Saudan Singh vs. State of U.P. decided on 25.2.2022** in Criminal Appeal No. 308 of 2022 [@SLP (Crl.) No. 4633 of 2022] and **Suleman vs. State of U.P. : Criminal Appeal No.491 of 2022** decided on 9.5.2022.

In rebuttal, learned AGA has opposed the bail application but he has not disputed the fact that the applicant has remained in jail for a fairly long time and also could not deny the fact that the appellant had no criminal history.

We have perused the judgement and records of the lower court with the assistance of the learned counsel for the parties. We are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of appellant and the appellant be enlarged on bail.

Consequently, the prayer for bail is granted. The bail application is **allowed**.

Without expressing any opinion on the merit of the case, let the appellant **Monu**, convicted and sentenced in the aforesaid case, be released on bail on his furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

The recovery of the fine shall remain stayed till the decision of the appeal.

On acceptance of bail bond and personal bonds, the lower court shall transmit photostat copies thereof to this Court for being kept on the record.

Office to comply with the conditions as have been provided by Hon'ble Supreme Court in the case of **In Re Policy Strategy for Grant of Bail** passed in **SMWP (Criminal) No. 4 of 2021**

by order dated 31.01.2023.

Re: Order on Appeal

List this case on 22.11.2023 for final hearing.

Order Date :- 15.5.2023

M.S. Ansari

(Manish Kumar Nigam,J.) (Siddhartha Varma,J.)