

**Court No. - 74**

**Case :-** CRIMINAL APPEAL No. - 2721 of 1987

**Appellant :-** Sushil Kumar And Another

**Respondent :-** State of U.P.

**Counsel for Appellant :-** R.B. Sahai

**Counsel for Respondent :-** A.G.A., Krishna Chandra, Shams Uz Zaman

**Hon'ble Mrs. Sadhna Rani (Thakur), J.**

**Criminal Misc. Bail Application No. 12 of 2021**

Heard Sri Vivek Kumar Singh, learned counsel appearing on behalf of appellant no. 1 namely Sushil Kumar and learned A.G.A.

It is argued on behalf of applicant/appellant no. 1 namely Sushil Kumar that the appellant was on bail but when his counsel could not attend the Court on 17.09.2021 due to spread of Corona Virus, in his absence, the non bailable warrant was issued against appellant/appellant. It has been argued that after issuance of the non bailable warrant, the appellant namely Sushil Kumar was arrested and sent to jail. There is no fault of applicant/appellant but he has instructed his counsel to finally argue this appeal. The applicant/appellant namely Sushil Kumar was on bail during trial and after being enlarged on bail he did not misuse the liberty of bail. Learned counsel for the applicant/appellant is ready for finally arguing this criminal appeal. He has been in jail, hence, the applicant/appellant namely Sushil Kumar is entitled to bail.

Learned A.G.A. has opposed the prayer for bail.

Having given thoughtful consideration to the submissions of the learned counsel for the parties, without expressing any opinion on the merits of the case, I am of the opinion that the applicant/appellant namely Sushil Kumar is made out a case for bail.

Let the applicant-appellant namely **Sushil Kumar** be released on bail in S.T. No. 536 of 1983, arising out of Case Crime No. 122 of 1983, under Sections 307/34 I.P.C, Police Station Binoli, District Meerut after furnishing personal bond and two sureties each in the like amount to the satisfaction of court concerned. Applicant-appellant namely Sushil Kumar will be under obligation to cooperate with the hearing of the appeal.

As soon as personal and surety bonds are furnished,

photocopies of the same are directed to be transmitted to this Court forthwith by trial Judge concerned to be kept on the record of this appeal.

**Order on Memo of Appeal**

Sri Vivek Kumar Singh, learned counsel appearing on behalf of appellant no. 1 namely Sushil Kumar is present. He has submitted that as per his information, appellant no. 2 namely Sukhbir Singh has died on 12.09.2018. The death certificate of the appellant no. 2 is on record.

In view of above, the Chief Judicial Magistrate concerned is directed to submit a report by the next date of listing whether appellants no. 2 namely Sukhbir Singh is alive or not along with the statements of necessary witnesses in compliance of circular letter No. 15/2005, VIII-119 April 19, 2005 and 04/Admin G-II dated Allahabad 18.01.2017 within one month.

List after one month.

**Order Date :- 29.10.2021**

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