



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 414 of 1988

Bala Din And Others

.....Appellant(s)

Versus

State

.....Respondent(s)

Counsel for Appellant(s)	:	C.B.Singh
Counsel for Respondent(s)	:	A.G.A.

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

Order on Criminal Misc. Bail and Suspension of Sentence Application No.1 of 2026

1. This appeal has been preferred by the appellants against the conviction and sentence recorded vide judgment and order dated 18.02.1988 passed by Additional Sessions Judge, Jalaun at Orai, in Session Trial No. 26 of 1986, under Sections 308/34 I.P.C., Police Station- Madhogarh, District- Jalaun.
2. Vide order dated 12.09.2022, it came to knowledge that appellant No.2- Kali Charan died and appeal stands abated qua appellant No.2 Kali Charan.
3. Heard Sri Gaurav Singh Tomar, learned counsel for the appellant No.1- Bala Din as well as the learned AGA for the State.
4. By means of the bail application, the appellant-applicant No.1 seeks suspension of sentence and grant of bail.
5. It is most respectfully submitted on behalf of Appellant No. 1 that on 13.01.2026, when the matter was called on for hearing before this Hon'ble Court, the learned counsel representing the said appellant could not appear since the previous counsel is no more. Owing to such non-appearance, this Hon'ble Court was pleased to issue a non-bailable warrant against Appellant No. 1. It is further submitted that, as per the Office Report dated 09.02.2026, in compliance with the order dated 13.01.2026, the learned Chief Judicial Magistrate, Jalaun has reported that Appellant No. 1, Bala Din, has been arrested pursuant to the aforesaid non-bailable warrant and has been remanded to judicial custody.
6. Learned counsel for Appellant No. 1 humbly submits that the previous counsel for the appellant is no more and at the relevant time there was no counsel to appear before this Hon'ble Court on his behalf. It is further submitted that the non-appearance on 13.01.2026 was neither deliberate nor intentional. The appellant is an elderly person

aged about 69 years and is suffering from various age-related ailments. It is emphatically submitted that there was no wilful default, negligence, or intention to delay the proceedings on the part of Appellant No. 1. The absence was purely inadvertent and occurred due to circumstances beyond his control.

7. It is further submitted that the conviction and sentence imposed by the learned trial court are against the weight of the evidence on record. The learned trial court has misread and misappreciated the evidence and has erroneously convicted the appellant. Besides the aforesaid submissions, learned counsel for the appellant has also elaborated upon the circumstances that led to the false implication of the accused-appellant. In the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to release the appellant on bail during the pendency of the appeal, in the interest of justice.

8. On the other hand, learned AGA vehemently opposed the bail application.

9. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record including the impugned judgment.

10. Having regard to the facts and circumstances of the case, without further commenting on the merits of the case, I am inclined to release the appellant on bail.

11. Let the above named accused-appellant **Bala Din** be released on bail in the aforesaid case on his furnishing a personal bond and two sureties in like amount to the satisfaction of the court concerned subject to the following conditions :-

(i) The appellant/applicant shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

12. The sentence awarded to applicant-appellant shall also remain suspended during the pendency of this appeal.

13. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

14. It is made clear that this Court has, however, not made any observation on the merits of the appeal.

15. A copy of the personal bond and surety bonds shall be transmitted to this Court by the trial court for being kept on record of this appeal.

16. Office is directed to send a copy of this order to the Court concerned through email/fax immediately for necessary compliance.

Order on Appeal

1. As per office report dated 11.09.2022, lower court record has been received.
2. Let paper book be prepared, if already not prepared.
2. List this appeal for hearing in due course.

February 17, 2026
P. Pandey

(Mrs. Vani Ranjan Agrawal,J.)