



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 2807 of 2026**

Komal

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

---

Counsel for Appellant(s) : Anand Kumar Yadav, Rahul Saxena  
Counsel for Respondent(s) : G.A.

---

**Court No. - 42**

**HON'BLE SIDDHARTHA VARMA, J.**

**HON'BLE JAI KRISHNA UPADHYAY, J.**

**Criminal Misc. Bail Application (Suspension of Sentence) No. 2 of 2026**

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant application has been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Session Trial No. 1483 of 2022 (State of U.P. versus Komal) arising out of Case Crime No. 263 of 2016, under Sections 364, 342, 302, 201 of I.P.C., Police Station - Badalpur, District - Gautam Budh Nagar.
3. Contention of the learned counsel for the applicant is that the applicant is innocent and has been falsely implicated. It has been submitted by the learned counsel for the applicant that as per the prosecution case applicant, Komal, and the co-accused Pramod Kumar Sharma were suspected of having killed the deceased, Uklesh. Learned counsel for the applicant states that the entire prosecution case was based on suspicion and that the applicant has no criminal history to her credit. It has further been submitted by the learned counsel for the applicant that as per the custody certificate the applicant has remained in jail for almost 9 years and 8 months. The conduct and behavior of the applicant in jail was good and to the satisfaction of the jail authorities. Learned counsel for the applicants has placed reliance on the decision 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 ]**. Still further learned counsel for the applicant has submitted that there is a very little chance of the appeal being heard and decided expeditiously in the near future and, therefore, the applicant is entitled to be released on bail.

4. In rebuttal, learned A.G.A. has opposed the bail application but could not deny the fact that during trial the applicant has remained in jail for a fairly long period of time and that the applicant has no criminal history to her credit.

5. We have perused the judgment of the court below with the assistance of the learned counsel for the parties. We are prima facie of the view that the case was of circumstantial evidence and the conviction had been done on the basis of suspicion. We find that the applicant has no criminal history to her credit and she has remained in jail for a fairly long period of time, we are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicant and he be enlarged on bail.

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

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

8. The realization of fine shall remain stayed till the decision of the appeal.

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

10. Office to inform the concerned Jail Superintendent through Chief Judicial Magistrate concerned to ensure compliance of the order.

#### **Order on Appeal**

11. Order sheet indicates that Trial Court Record has been received.

12. Office to prepare paper book. Learned counsel for the parties may obtain their copies of the paper book from the office.

13. List this appeal on 19.05.2026 for final hearing.

**April 30, 2026**  
M.S. Ansari

**(Jai Krishna Upadhyay,J.) (Siddhartha Varma,J.)**