



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3209 of 2012

Praveen

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Ashish Kumar Pandey, P.P. Singh
Counsel for Respondent(s) : Govt. Advocate

Court No. - 47

**HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.**

Order on Suspension of Sentence Application

1. Heard Mr. Ashish Kumar Pandey, the learned counsel for applicant/appellant and the learned A.G.A. for State.
2. Perused the record.
3. This repeat application for bail has been filed by **applicant/appellant-Praveen** seeking his enlargement on bail in S.T. No. 1487 of 2009 (State vs. Praveen and Others) arising out of Case Crime No.341 of 2009, under sections 498A, 304B, 302, 201 IPC and sections 3/4 of Dowry Prohibition Act, P.S. Murad Nagar, District- Ghaziabad, during the pendency of present appeal.
4. The first bail application of applicant/appellant was rejected by co-ordinate Bench of this Court vide order dated 29.01.2020. For ready reference, the order dated 29.01.2020 is reproduced herein below:-

"Ref: Criminal Misc. Bail Application No. 247919 of 2012

Herd Sri Ashish Kumar Pandey learned Advocate appearing for the appellant Praveen son of Fateh Singh, resident of Village Khimanwati, Police Station Murad Nagar, District Ghaziabad and learned A.G.A for the State.

The sole appellant/applicant has been convicted under section 302 read with section 201 IPC for murder of his wife and minor children (about 1 1/2 years old) by setting

them ablaze by pouring kerosene oil upon them. Not only this, he had destroyed the evidence by cremation of the dead bodies without giving any information to the paternal family of his wife (Mika of the deceased).

The submission of learned counsel for the applicant is that the applicant is in jail since 17.04.2009 i.e. for a period of more than ten years and his old mother is ailing. The deceased wife had committed suicide by pouring kerosene oil upon her when the appellant was not at home.

The plea of alibi of the applicant has been rejected by the court below. Be that as may, looking to the nature of the allegations in the first information report and the other material on record, we do not find it a fit case for grant of bail of appellant Praveen, husband of the deceased.

Accordingly, the bail application is rejected.

Ref: Order on Criminal Appeal

The paper book is ready. Sri Ashish Kumar Pandey, learned Advocate states that he is ready to argue the appeal for final hearing. Other appellants in the connected appeal are represented by Sri P.P. Singh and Sri Himanshu Pandey, Advocates.

As prayed by learned counsel for the appellant list both the connected appeals for final hearing/disposal on 13.02.2020."

5. Learned counsel for applicant/appellant contends that although applicant/appellant is a named as well as convicted accused and undergoing incarceration, however, in view of the facts as have now emerged on record applicant/appellant is liable to be enlarged on bail.

6. In furtherance of aforesaid submission, the learned counsel for applicant/appellant submits that applicant/appellant is in jail since 17.04.2009. As such, applicant/appellant has undergone more than 16 years and 5 months of incarceration. Apart from above, on account of heavy pendency of criminal appeals before this Court, there is no likelihood of the present appeal being heard in near future. It is thus urged by the learned counsel for applicant/appellant that applicant/appellant is liable to be enlarged on bail during the pendency of present appeal. In case, applicant/appellant is enlarged on bail, then in that eventuality, he

shall not misuse the liberty of bail and shall co-operate in the hearing of present appeal.

7. Per contra, the learned A.G.A. representing State-opposite party-1 vehemently opposed the prayer for bail. Learned A.G.A. submits that since applicant/appellant is a named as well as convicted accused and undergoing incarceration, therefore, he does not deserve any indulgence from this Court. Applicant/appellant is guilty of murdering his wife and his minor son, aged about one and a half years. Considering the nature of gravity of offence, the period of incarceration undergone by applicant/appellant cannot by itself be said to be so sufficient a circumstance, so as to enlarge the applicant/appellant on bail.

8. It is then contended by the learned A.G.A. that admittedly, applicant/appellant is a life convict. In view of the law laid down by Apex Court in **Om Prakash Sahni vs. Jai Shankar Chaudhary and Another, (2023) 6 SCC 123**, applicant/appellant cannot be enlarged on bail unless a finding is returned by this Court that prima-facie the appeal is liable to be allowed. Since no argument has been raised on the merit of the appeal, therefore, in absence of above, the requisite finding cannot be returned by this Court. As such at this stage, it is thus contended by learned A.G.A. that no new, good or sufficient ground has emerged so as to enlarge the applicant/appellant on bail, during pendency of present appeal.

9. Having heard the learned counsel for applicant/appellant, the learned A.G.A. for State and upon perusal of record, we find that applicant/appellant has been convicted under section 302 read with section 201 I.P.C. and therefore sentenced to life imprisonment. Applicant/appellant is guilty of murdering his wife and minor son, aged about one and a half years. Considering the nature of gravity of offence and also the objections raised by the learned A.G.A., we do not find any good or sufficient ground so as to enlarge the applicant/appellant on bail. Moreover, the appeal has already been directed to be listed for hearing vide order dated 29.01.2020.

10. In view of above, this repeat application for bail fails and is liable to be rejected.

11. It is, accordingly, **rejected**.

Order on Memo of Appeal

12. List this appeal for hearing on **29.10.2025**.

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

October 8, 2025

Saif