



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 876 of 2025

Virendra Singh Alias Virendra Yadav And Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Akash Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

Ref: Criminal Misc. Bail Application (Suspension of Sentence)

1. Supplementary affidavit and rejoinder affidavit filed today be taken on record.
2. Heard Shri B.A. Khan, learned Senior Advocate assisted by Shri Jawwar Haider, learned counsel for the applicants as well as the learned A.G.A. for the State and perused the record.
3. The instant application has been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicant no.2 on bail in Special Session Trial No. 639 of 2007 (State of U.P. versus Ramkhiladi Yadav and others) arising out of Case Crime No. 52 of 2003, under Sections 148, 302/149 of I.P.C., Police Station - Karahal District - Mainpuri.
4. Contention of the learned counsel for the applicants is that the applicant no.2 is innocent and has been falsely implicated. It has been further submitted that the appellant no.2 is more than 70 years of age. It has also been submitted that a case under the Gangsters Act was initiated against the applicant no.2 but it was not proceeded with by the State. He further submits that co-accused Virendra Singh @ Virendra Yadav was also granted bail on account of the fact that he was 70 years of age. Learned counsel for the applicant no.2 submits that his case is covered by the decision of Supreme Court in **Anil Ari versus State of West Bengal rendered in AIR 2009 SC 1564 dated 09.02.2009**. Still further learned counsel for the applicant no.2 has submitted that there is very little chance of the appeal being heard and

decided expeditiously in the near future and, therefore, the applicant no.1 is entitled to be released on bail.

5. In rebuttal, learned A.G.A. has opposed the bail application but could not deny the fact that the applicant no.2 is an old person.

6. We have perused the judgment of the court below with the assistance of the learned counsel for the parties. Considering the fact that the applicant no.2 is more than 70 years of age, case initiated against him under the Gangsters Act was not proceeded with by the State, he was on bail during trial and had never misused the liberty of bail and the fact that co-accused Virendra Singh @ Virendra Yadav had been granted bail on account of the fact that he was 70 years of age, we are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicant no.2 and he be enlarged on bail.

7. Consequently, the prayer for bail is granted. The bail application vis-a-vis applicant no.2 is **allowed**.

8. Without expressing any opinion on the merit of the case, let the applicant no.2 - **Ramvaran @ Banna Jatav** 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.

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

10. 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.

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

Order on Appeal

12. Office to prepare the paper book.

13. List this case on 25.11.2026 for hearing.

April 21, 2026

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