

Court No. - 44

Case :- CRIMINAL APPEAL No. - 5070 of 2015

Appellant :- Manish Singh

Respondent :- State of U.P.

Counsel for Appellant :- Kameshwar Singh

Counsel for Respondent :- G.A., Chandra Shekhar Singh, Sanjay Kumar Singh

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

(Order on Criminal Misc. Bail Application)

1. Heard Sri Kameshwar Singh, learned counsel for the appellant and learned A.G.A. for the State.
2. This bail application on behalf of accused-appellant convicted and sentenced in S.T. No. 277 of 2013 (State Vs. Manish Singh), arising out of Case Crime No. 220 of 2013, under Section 302 I.P.C., Police Station Narahi, District Ballia.
3. At the outset this is an appeal of the year 2015 arising out of case crime no. 220 of 2013 which culminated into conviction of the accused pursuant to S.T. No. 277 of 2013. At the outset, even if we read the F.I.R and the evidence of P.W.-2 and P.W.-3 who have supported the prosecution case, appellant is a mentally sick person even according to his father, who had at night done to death his brother. The matter is pending since seven years.
4. It is submitted that the accused-appellant is in jail since 01.04.2013; that the paper book has not yet been prepared and, therefore, in view of the decision of the Apex Court in **Criminal Appeal No.308 of 2022 (Saudan Singh vs. State of U.P.) decided on 25.2.2022.**
5. Learned A.G.A. for the State has vehemently objected to the grant of bail of the accused.
6. The accused-appellant is in jail for more than 9 years. The paper book is not ready. Hence, in view of the judgment in **Saudan Singh Case (Supra)** and on re-appreciation of material on record, the accused-appellant- Manish Singh, is entitled to be released on bail.
7. We, therefore, direct the jail authorities concerned to release accused-appellant Manish Singh, convicted and sentenced in

the aforesaid Sessions Trial be released on bail during the pendency of the appeal subject to his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The appellant shall file an undertaking to the effect that she shall not seek any unnecessary adjournment.

(ii) The appellant shall not leave India without permission of this Court.

(iii) The appellant shall inform the change of address within 10 days, failing which the State shall be at liberty to request for cancellation of his bail.

8. As far as fine is concerned, the same shall remain suspended till final disposal of the appeal, if yet not deposited.

(Order on Appeal)

None present for the respondent.

Office to prepare paper book as the record is before this Court.

Order Date :- 4.1.2023

PS