



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1184 of 2025

Shiv Ram

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Satya Narayan Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 42

**HON'BLE SIDDHARTHA VARMA, J.
HON'BLE PRASHANT MISHRA-I, J.**

Criminal Misc. Suspension of Sentence Application No. 1 of 2025

1. Heard Sri Satya Narayan Yadav learned counsel for the applicant and learned A.G.A. appearing for the State.
2. The instant application has been filed under Section 389 Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No. 111 of 1998 arising out of Case Crime No. 86 of 1998, under Sections 364-A of Indian Penal Code, Police Station - Barnahal, District - Mainpuri.
3. It is the contention of learned counsel for the appellant that the incident was of 1:30am in the morning when it was absolutely dark. The informant had not seen the accused person. The name of the accused had come into light only when the victim mentioned about them when he came back unharmed. Only on the mentioning of the names of the accused by the victim, the identities of the accused were, thereafter, established. It was submitted that there was no test identification parade conducted. Learned counsel for the appellant submits that the identification which the police mentions in the police station is of no consequence whatsoever. He submits that even the statement under Section 164 Cr.P.C. before the Magistrate was absolutely of no consequence. The criminal history of the appellant has been explained in the rejoinder affidavit. The appellant was on bail during trial.
4. In rebuttal, learned AGA has opposed the bail application but he could not

deny the facts that the applicant was on bail during the trial and never misused the liberty of bail.

5. We have perused the judgement of the lower court with the assistance of the learned counsel for the parties. We are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of applicant and the applicant be enlarged on bail.

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

7. Without expressing any opinion on the merit of the case, let the applicant- **Shiv Ram**, 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.

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.

Order on Appeal :

10. List this appeal on 15.7.2026 for final hearing.

(Prashant Mishra-I,J.) (Siddhartha Varma,J.)

February 11, 2026

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