

Court No. - 83

Case :- CRIMINAL APPEAL No. - 2556 of 2021

Appellant :- Deepak Gupta

Respondent :- State of U.P.

Counsel for Appellant :- Anuj Srivastava, Nazrul Islam Jafri (Senior Adv.), Ravendra Singh, Sadaful Islam Jafri

Counsel for Respondent :- G.A.

Hon'ble Saurabh Srivastava, J.

Order on Application under Section 389(1) Cr.P.C.

1. Heard learned counsel for the appellant-applicant and learned A.G.A. for the State.

2. At the very outset, learned counsel for the applicant submitted that vide order dated 08.02.2021 passed by learned trial court punishment of 25 years was awarded to the applicant and as per the custody certificate, which is taken on record, applicant has already incarcerated in jail more than 16 years as on today, meaning thereby he has completed more than half of sentence in jail. Learned counsel for the appellant/applicant further submitted that disposal of appeal will take time and accused-appellant undertakes that he will not misuse the liberty of bail and shall remain present before the Court as and when required and he will cooperate with the hearing of appeal.

3. Per contra, learned A.G.A. vehemently opposed the prayer made in the instant application, but did not dispute the above facts submitted by learned counsel for the appellant.

4. Considering the rival submissions extended by learned counsel for the parties as well as considering the unlikelihood of early hearing of appeal due to heavy pendency, punishment awarded and custody period, at this stage without commenting on the merits of the case, I find it a fit case for grant of bail during pendency of the appeal. Rest of the other grounds shall be subject matter of final adjudication of this appeal.

5. Let the applicant-appellant, **Deepak Gupta**, be released on bail on his furnishing personal bond and two sureties in the like amount to the satisfaction of court concerned in Session Trial No. 46 of 2015 (State vs. Deepak Kumar Gupta) arising out of Case Crime No. 601 of 2015, under Sections 376-D, 506 I.P.C., P.S. Baghpat,

District- Baghpat.

6. As soon as personal bonds and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by court concerned to be kept on record of this appeal.

Order on Appeal

List in due course.

Order Date :- 16.7.2024

Md Faisal