

Court No. - 43

Case :- CRIMINAL APPEAL No. - 3308 of 2023

Appellant :- Devi Singh

Respondent :- State of U.P.

Counsel for Appellant :- Lalit Kumar Shukla, Mahesh Kumar Kuntal

Counsel for Respondent :- G.A., Pankaj Kumar Tripathi

With

Case :- CRIMINAL APPEAL No. - 3342 of 2023

Appellant :- Ram Prakash

Respondent :- State of U.P.

Counsel for Appellant :- Lalit Kumar Shukla, Mahesh Kumar Kuntal

Counsel for Respondent :- G.A., Pankaj Kumar Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Dr. Gautam Chowdhary, J.

(Order on Suspension of Sentence (Bail) Applications)

1. Supplementary affidavit filed on behalf of the appellant-Devi Singh is taken on record.
2. Bail/suspension of sentence applications have been filed on behalf of accused appellants Devi Singh and Ram Prakash, who have been convicted in Sessions Trial No.486 of 2011 (State of U.P. Vs. Devi Singh and other), under Sections 302/34 IPC, arising out of Case Crime No.225 of 2010, P.S.-Farah, District-Mathura and the maximum sentence awarded to them is life imprisonment.
3. As per the prosecution case, 5-6 days prior to the incident a dispute had occurred between the accused persons-Devi Singh & Ram Prakash and the informant's father on account of installation of electricity pole for supply of electricity. Threat was extended by the accused persons thereafter. Later, in the night of 26/27.07.2010, the two accused came after crossing the five feet boundary and assaulted the deceased with an axe causing his death. P.W.-1 has alleged that role of accused appellant Devi Singh was of holding the deceased, while other accused-Ram Prakash assaulted the deceased with the axe.

4. Learned counsel for the appellants submits that there was no source of light at the time of incident and since none of the family members otherwise intervened their presence at the place of occurrence is clearly doubtful. It is further stated that accused Devi Singh is suffering from prostate enlargement and other medical ailments which require treatment by higher medical center. It is also argued that accused appellants were on bail during trial which liberty has not been abused and hearing of the appeal may take sufficiently long, as such, they be enlarged on bail.

5. Learned A.G.A. opposed the bail applications on the ground that accused persons are immediate neighbours and have been specifically implicated by the eye witnesses.

6. Considering the nature of role assigned to the accused appellants and the testimony of witnesses, we reject the bail application of accused appellant-Ram Prakash.

7. Accordingly, the bail application of accused appellant Ram Prakash is hereby rejected.

8. So far as accused appellant Devi Singh is concerned, we call upon learned A.G.A. to obtain a report from the concerned Jail authority with regard to medical condition of the accused appellant Devi Singh.

9. List on 04.10.2024 for consideration for bail application of accused appellant Devi Singh.

Order Date :- 20.9.2024

Anurag/-