

Court No. - 48

Case :- CRIMINAL APPEAL No. - 3021 of 2022

Appellant :- Manoj Pal

Respondent :- State of U.P.

Counsel for Appellant :- Ram Chandra Yadav

Counsel for Respondent :- G.A.

Hon'ble Arvind Kumar Mishra-I,J.

Hon'ble Saral Srivastava,J.

Order on Crl. Misc. Bail Application No.1 of 2022

Heard learned counsel for the appellant and learned A.G.A. for the State.

It is contended by the learned counsel for the appellant that it is a case of police encounter. It is further submitted that there is no independent corroboration of the occurrence. Assuming it to be that any offence has been committed, even then nature of offence does not suggest conviction of the appellant beyond the purview of Sections 323 and 324 I.P.C. and imposition of sentence when the nature of the injury cannot be said to be fatal, to the extent of life imprisonment would not be apportioned just in all eventuality. It is further submitted that the appellant has already suffered sentence for ten years in this case. The appellant is in jail since 20.02.2012.

Learned A.G.A. however endeavoured to support the judgement and refuted the arguments.

Considering the entirety of this case and perusing the material on record and the fact that the appeal is not likely to be heard in near future, we consider it appropriate to release the appellant on bail.

Let the appellant-**Manoj Pal** convicted and sentenced in S.T. No.92 of 2012, arising out of Case Crime No.168 of 2012,

under Section 307, 411 I.P.C., P.S. Beejpur, District Sonebhadra and S.T. No.93 of 2012, arising out of Case Crime No.169 of 2012, under Section 3/25/27 Arms Act, P.S. Beejpur, District Sonebhadra be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the trial Judge concerned.

On acceptance of bail bonds and personal bonds, the lower court shall transmit Photostat copies thereof to this Court for being kept on the record.

Until further orders, 50% of the fine, if deposited, then recovery/realization of rest of 50% amount shall be kept in abeyance.

Order Date :- 20.1.2023

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