



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1559 of 2025

Vikas

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Gaurav Kakkar, Raghvendra
Prakash
Counsel for Respondent(s) : G.A.

Court No. - 92

HON'BLE JAI PRAKASH TIWARI, J.

**Order on Criminal Misc. Bail (Suspension of Sentence)
Application**

Heard Sri Gaurav Kakkar, learned counsel for the applicant/appellant, Sri Rajeev Kumar Singh, learned A.G.A. for the State and perused the record.

This criminal appeal under Section 415(2) of B.N.S.S. has been preferred with prayer to allow the application and release the applicant/appellant on bail, suspend the sentence of the applicant/appellant in Session Case No. 4693/2022, (State Versus Vikas) arising out of Case Crime No. 176/2022 under Sections 366, 376(2)M, 506 of IPC, Police Station Ahmadgarh, District Bulandshahr, arising out of judgment and order dated 24.01.2026 passed by Additional Sessions Judge/ FTC-I, Bulandshahr, whereby the applicant/appellant has been awarded the maximum sentence of ten years' rigorous imprisonment and a fine of Rs. 20,000/- with default stipulation.

Learned counsel for the applicant/appellant submits that applicant is innocent and has been falsely implicated in the present case. Further, the learned trial court did not appreciate

the evidence on record in proper way but convicted and sentenced the applicant/appellant for a maximum period of ten years imprisonment with fine. It is next submitted that the FIR was lodged with a delay of about 1.5 months. It is also submitted that the prosecutrix was a consenting party. It is further submitted that it is evident from the statement of the prosecutrix herself that she travelled from place to place with the applicant/appellant and did not raise any alarm. It is also submitted that it transpires from the statement of D.W.-1 (Head Constable Anil Kumar) that the prosecutrix is living with the family of the applicant/appellant of her own free will. It is further submitted that there is no previous criminal history to the credit of the applicant/appellant. It is seen from the Custody Certificate that the appellant has spent more than 1 year and 1 month of actual period of sentence in jail. Judgment and order passed by learned trial court is based on conjectures and surmises and absolutely there is no evidence against the applicant/appellant. Since hearing of appeal is also not likely to be completed in near future, therefore, request to release the applicant/appellant on bail during the pendency of appeal.

Per contra, learned AGA has opposed the prayer for bail of the applicant/appellant.

Having considered the rival submissions made by learned counsel for the parties and on perusal of the record, it is evident that maximum sentence awarded to the applicant/appellant is for a period of ten years. As per FSL report, no spermatozoa was seen in the smear. The final disposal of the appeal will likely to take time, but without expressing any opinion on the merits, I am of the view that it is a fit case for grant of bail.

The prayer for bail is accordingly allowed.

Let the applicant/appellant- **Vikas** be released on bail during the pendency of the instant appeal in the aforementioned case crime number on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court

concerned subject to deposition of entire amount of fine, if not already deposited.

On acceptance of bail bonds, the court below shall transmit the xerox copies thereof to this Court for being kept on record.

Order on Appeal

List in due course.

March 17, 2026
S.K.

(Jai Prakash Tiwari,J.)