



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1556 of 2026

Ramadevi And Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Naseem Ahmad, Salman Ahmad
Counsel for Respondent(s)	:	G.A.

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

Ref: Criminal Misc. Bail Application (Suspension of Sentence) No. 01 of 2026

1. Rejoinder affidavit filed on behalf of applicants-appellants, is taken on record.
2. Heard Sri Salman Ahmad, learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The instant application has been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicants on bail in Session Trial No. 685 of 2023 (State of U.P. versus Ashok Yadav and Others) arising out of Case Crime No. 44 of 2023, under Section 302 read with Sections 149, 201, 147 I.P.C., Police Station Bhogaon, District Mainpuri.
4. Contention of the learned counsel for the applicants is that the applicants are innocent and have been falsely implicated. Prosecution case as is evident from the reading of the judgment is that the first informant Manoj who was village Chowkidar had lodged the F.I.R. upon coming to know that deceased had been killed by the accused persons in neighbouring village as she was in love with one Karan S/o Shivram. Contention of learned counsel for the applicants- appellants is that they are innocent and in fact the witnesses of the recovery of the dead body had denied having witnessed the recovery. Further, it has been stated that PW1 i.e. Manoj even though in his examination-in-chief has stated the contents of the F.I.R. in the Court but in

his cross he had denied that he got the matter reported and has in fact stated that he has only signed on the Tehrir which was written down by *Daroga Ji* without understanding the same. Further, it has been submitted that PW2 in the Court had stated that he had himself seen the parents of the deceased at the Thana and were making effort to lodge the F.I.R. Learned counsel for the appellants further submitted that the criminal history of the appellant no.2 has been explained in paragraph no.20 of the rejoinder affidavit. So far as, appellant no.1 is concerned, it has been stated that he has no criminal history. Further, it has been submitted that the appellant no.1 was on bail during trial. It has been further submitted that with the same evidence, two of the accused have been acquitted. Applicants are languishing in jail since 11.12.2025. Still further learned counsel for the applicants has submitted that there is a very little chance of the appeal being heard and decided expeditiously in the near future and, therefore, the applicants are entitled to be released on bail.

5. In rebuttal, learned A.G.A. has opposed the bail application but could not deny that the appellants have hardly any criminal history and that there was denial of the case by PW1.

6. Having heard the learned counsel for the parties, we find that definitely the statements of PW1, PW2 and PW3 were selectively seen by the trial Court. PW1 in his cross-examination categorically stated that he had in fact not reported the matter and only signed on a written document. The PW2 and PW3 had also stated that they were not actually witnesses of the recovery and we also find that PW2 had stated that he had seen the parents at the police station. We also consider that the applicant-appellant no.1 was on bail during trial. We are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicants and they be enlarged on bail.

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

8. Without expressing any opinion on the merit of the case, let the applicants-**Ramadevi** and **Ashok Yadav** convicted and sentenced in the aforesaid case, be released on bail on their furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

9. The realization of fine shall remain stayed till the decision of the appeal.

10. On acceptance of bail bond and personal bond, the trial court shall transmit photostat copies thereof to this Court for being kept on the record.

11. Office to inform the concerned Jail Superintendent through Chief Judicial Magistrate concerned to ensure compliance of the order.

Order on Appeal

12. Order sheet indicates that Trial Court Record is still awaited.

13. Office to issue reminder for transmitting the trial court record.

14. List this appeal on 12.10.2026 for final hearing.

April 10, 2026

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(Jai Krishna Upadhyay,J.) (Siddhartha Varma,J.)