



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3353 of 2022

Yogesh Singh @ Sonu Singh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Sanjay Kumar Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

Order on Bail/Suspension of Sentence Application u/s 389(1) Cr.P.C

1. Supplementary affidavit filed today by learned counsel for the appellant is taken on record.
2. Heard learned counsel for appellant/applicant and Sri Rahul Asthana, learned AGA for State.
3. This Criminal appeal under Section 374 (2) of the Criminal Procedure Code has been preferred against the order dated 31.3.2022, passed by learned Additional Sessions Judge, Court No.6/Special Judge (Gangster Act), Azamgarh, in Sessions Trial No.73 of 2011 (State vs. Dhruv Singh @ Kuntu Singh and others) arising out of Case Crime No.340 of 2010, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station- Jeanpur, District- Azamgarh.
4. By means of this application, the appellant-applicant seeks suspension of sentence and grant of bail.
5. It has been submitted by learned counsel for the appellant-applicant that the appellant is innocent and has been falsely implicated. It has been further submitted that the conviction and sentence imposed by the learned trial court is against the weight of evidence on record. The trial court has misread the evidence on record and convicted the appellant. The prosecution has not been able to prove its case beyond reasonable doubt. It is further submitted that in the gang chart one case has been shown against the appellant, in which he is on bail. It is further submitted that apart from the case which have been mentioned in the gang chart some other cases are there against which have been explained in paragraph nos.5 to 9 of the supplementary affidavit. It is further submitted that the co-accused namely Shivesh Singh has already

been granted bail by this Court vide order dated 9.10.2025 passed in Criminal Appeal No.3572 of 2022, a copy of said order has been produced by learned counsel for the appellant which is taken on record. The appellant claims parity. It is further submitted that the maximum sentence awarded to the appellant is ten years R.I. out of which appellant has already served out more than four years in jail. Since there is no likelihood of early hearing of the appeal in near future, the appellant may be released on bail pending appeal. Besides the above submissions, learned counsel for the appellant has also tried to touch upon at length the circumstances which led to the false implication of accused - appellant.

6. On the other hand, learned AGA vehemently opposed the bail application.

7. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record including the impugned judgment.

8. Having regard to the facts and circumstances of the case, sentence awarded to the appellant, the evidence available on record and the findings recorded by the trial court thereon and considering the period of incarceration of the appellant, without further commenting on the merits of the case, I am inclined to release the appellant on bail.

9. Let the applicant/appellant namely **Yogesh Singh @ Sonu Singh** be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the following conditions :-

(i) The appellant/applicant shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iii) The appellant/applicant shall deposit the entire amount of fine imposed against him by the learned trial court vide impugned judgment and order dated 31.3.2022 passed by the learned trial Court within a period of four weeks from the date he is released on bail under this order.

10. In case of breach of any of the above conditions, the bail granted to applicant-appellant under this order shall stand automatically cancelled and he shall be taken into custody at once to serve out the sentence awarded by trial Court.

11. The sentence awarded to applicant-appellant shall also remain suspended during the pendency of this appeal.

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

Order on Appeal

13. Office report dated 21.7.2022 shows that the trial Court record has been received in Criminal Appeal No.3527 of 2022.

14. List this appeal for hearing in due course.

February 3, 2026

Dev

(Mrs. Vani Ranjan Agrawal,J.)