

Court No. - 76

Case :- CRIMINAL APPEAL No. - 3091 of 2021

Appellant :- Sunil Kumar And 2 Others

Respondent :- State of U.P. and Another

Counsel for Appellant :- Anuj Chaudhary

Counsel for Respondent :- G.A., Mohammad Akram

Hon'ble Ajai Tyagi, J.

Order on Appeal.

Lower court record has not been received yet.

Reminder be issued for lower court record.

List this appeal in the week commencing 15th November, 2021 in the additional cause list.

Order on Criminal Misc. Bail Application

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

Learned counsel for the appellant submitted that appellant has been awarded sentence for five years under Section 325 IPC along with lesser sentence under Sections 323, 342, 504 and 506(i) IPC and under Section 3(1) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. During trial, the appellants were on bail. Appellants are in jail for the past more than two months. It is next submitted that there is no likelihood of this appeal to be heard at an early date or in near future in the wake of heavy pendency of cases in the court.

Learned counsel for respondent No.2 and learned A.G.A. have opposed the prayer for bail of the appellants and submitted that injured was beaten by the appellants whole night. Appellants are neighbour of injured.

Maximum awarded sentence to the appellants is five years under Section 325 IPC and in all other offences appellants have been awarded lesser sentence. During trial, appellants were on bail.

Without expressing any opinion on the merits of the case and considering the facts and circumstances of the case as well as the sentence awarded to the appellants, this court is of the opinion that the appellant is entitled to be released on bail.

Let the appellants- Sunil Kumar, Ankit and Monu, convicted and sentenced in S.T. No.228 of 2017, arising out of Case Crime No.390 of 2015, under Sections 325/34, 323/34, 342/34, 504, 506 Part-1 I.P.C. and Section 3(1)X of SC/ST Act, Police Station Kotwali City Bijnor, District Bijnor, be released on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

The realization of half of the fine awarded to the appellants shall also remain stayed during the pendency of the appeal.

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

Order Date :- 27.9.2021

Ashutosh Pandey