



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2546 of 2026

Pradeep

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Santosh Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

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

1.Rejoinder affidavit filed by learned counsel for the applicant is taken on record.

Heard learned counsel for the appellant-applicant and learned A.G.A. for the State and perused the record.

2. Bail application has been filed on behalf of accused appellant **Pradeep**, who has been convicted in Special Trial No.15 of 2018 (State of U.P .Vs. Pradeep), under Section 354 I.P.C. and 7/8 POCSO Act, P.S. Kotwali, District Mainpuri.

3. As per the prosecution version, applicant has committed offence of sexual assault with the daughter of the informant and outraged her modesty.

4. Learned counsel for the appellant-applicant submits that the applicant has not committed any offence as alleged in the F.I.R. He further submitted that there are material contradictions in the statements of the prosecution witnesses. It is argued that appellant was on bail during trial which liberty has not been misused by him. Submission is that the accused appellant has criminal history of four cases which have been explained in para 12 of the rejoinder affidavit and since hearing of the appeal may take sufficiently long, as such he be enlarged on bail. As per the custody certificate available on record, period of incarceration undergone by the appellant is 13 days.

5. Learned AGA has opposed the prayer made for grant of bail and submits that appellant has committed obscene behavior with the minor daughter of

the informant. The trial court after perusing all the material available on record and considering each and every aspect of the matter has rightly convicted the appellant.

6. Considering the fact that the maximum sentence awarded to the appellant is only 3 years along with fine, the accused appellant was enlarged on bail by the court during trial, no reliable material is available that he intervened the trial proceedings or violated the bail conditions, as per custody report dated 06.04.2026 submitted by the State, the appellant is in custody for 13 days and hearing of the appeal may take some more time, as such in view of the law laid down by the Apex Court in the cases of ***Babu Singh & Ors. Vs. State of U.P. (1978) 1 SCC 579, Saudan Singh Vs. State of U.P. (2023) 17 SCC 446, Sohail Gohar Vs. State of M.P. (Special Leave to Appeal (Crl.) No.5013 of 2025, arising out of Crl. Appeal No.2058 of 2025)***, without further commenting upon the merits of the case, facts and circumstances of this case in totality, this Court is of the view that the appellant/applicant is entitled to be released on bail.

7. Let the accused applicant/appellant **Pradeep** be released on bail in the above case on furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to furnishing undertaking that:-

(i) the appellant will co-operate in the hearing of the criminal appeal.

(ii) the appellant shall inform about the change of address, if any, within fifteen days, failing which the State shall be at liberty to request for cancellation of bail of appellant.

(iii) the appellant will not indulge in any unlawful activities during the pendency of criminal appeal.

8. The sentence awarded to the appellant shall remain suspended during the pendency of criminal appeal subject to depositing 50% of the total fine within a period of thirty days after release of the appellant from jail and remaining 50% fine shall remain stayed till the pendency of the criminal appeal.

9. It is made clear that, in case, the fine is not deposited during the aforesaid period, the same shall be recovered by the trial court concerned, forthwith, in

accordance with law.

10. On acceptance of bail bonds and deposition of fine, the trial court shall transmit photostat copies of relevant records thereof to this Court for being kept on the record of this appeal.

(Order on Appeal)

1. Office is directed to get the paper book prepared within six weeks, if not prepared.
2. List the appeal for hearing in due course.

May 12, 2026
Asha

(Santosh Rai,J.)