



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 2451 of 2025**

Vishal

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Appellant(s) : Tej Om Prakash Gupta  
Counsel for Respondent(s) : G.A.

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**Court No. - 92**

**HON'BLE JAI PRAKASH TIWARI, J.**

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

As per office report dated 17.11.2025, notice has been served upon O.P. No.4/informant. Despite service of notice, none is present for the informant.

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

This criminal appeal has been preferred with prayer to allow the application and release the appellant on bail, suspend the sentence of the appellant in P.S.T. No. 1787 of 2021, (State Versus Smt. Mridula Dixit and others) arising out of Case Crime No. 117 of 2021 under Sections 376 IPC and 3/4 POCSO Act, Police Station Tundla, District Firozabad arising out of judgment and order dated 7.2.2025 passed by Additional District and Sessions Judge/ Special Judge, (POCSO Act), Firozabad, whereby the appellant has been awarded the maximum sentence of ten years' rigorous imprisonment and total fine of Rs. 10,000/- with default stipulation and further prays to stay realization of fine during the pendency of appeal.

Learned counsel for the appellant submits that applicant is innocent and has been falsely implicated in the present case. Further submits that the learned trial court did not appreciate the evidence on record in proper way but convicted and sentenced the appellant for a maximum period of ten years imprisonment with fine. Further submits that appellant was not named in the FIR and his name was surfaced in the second statement (majeed bayan) of the victim. Further submits that medical report of the victim does not corroborate with the prosecution story and according to medical report, neither any internal nor any external injury was found on the body of the

victim. Further submits that except the present case, appellant is not having any other criminal history and he was on bail during the pendency of trial and did not misuse the liberty of bail. As per custody certificate, appellant has served more than two years. Judgment and order passed by learned trial court is based on conjectures and surmises and absolutely there is no evidence against the appellant. Since hearing of appeal is also not likely to be completed in near future, therefore, request to release the appellant on bail during the pendency of appeal.

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

Having considered the rival submissions made by learned counsel for the parties and on perusal of the record, it is evident that applicant was not named in the FIR and medical report does not support the prosecution case, maximum sentence awarded to the appellant is for a period of ten years, out of which, as per custody certificate, he has served more than two years and the final disposal of the appeal likely to take time, as such, the appellant has made out a case for bail.

The prayer for bail is accordingly **allowed**.

Let the appellant- **Vishal** be released on bail in the aforementioned case crime number during pendency of this appeal on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

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

Realization of entire fine shall be deposited by the appellant within one month from the date of his release before the Court below.

**Order on Appeal**

List in due course.

**February 17, 2026**  
KK Patel

**(Jai Prakash Tiwari,J.)**