



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2938 of 2024

Manisha

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Ashok Kumar Yadav, Chandra Nath Bhatt

Counsel for Respondent(s) : G.A., Keshari Nandan Singh

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

Ref: Criminal Misc. Bail Application (Suspension of Sentence) No. 2 of 2024

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

2. The instant application has been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Session Trial No. 297 of 2022 (State Vs. Manisha & Others) arising out of Case Crime No.310 of 2021 under Section 302 read with 34, 201 of I.P.C., Police Station - Rajabpur, District - Amroha.

3. Contention of the learned counsel for the applicant is that the applicant is innocent and has been falsely implicated. Further contention is that in the case in hand there were as many as 4 persons who were made accused. It is further stated that the appellant had come into the family of her matrimonial house three months prior to the occurrence and was totally an outsider and she knew nothing about things happening in the family. It is next submitted that it is a case of circumstantial evidence; she was on bail during trial and had never misused the liberty of bail as well as she had no criminal history to her credit. Still further learned counsel for the applicant has submitted that there is very little chance of the appeal being heard and decided expeditiously in the near future and, therefore, the applicant is entitled to be released on bail.

4. In rebuttal, learned A.G.A. has opposed the bail application but could not deny the fact that during trial the applicant has never misused the liberty of bail and that the applicant has no criminal history to her credit and also could not deny that it is a case of circumstantial evidence.

5. We have perused the judgment of the court below with the assistance of the learned counsel for the parties. Considering that it is a case of circumstantial evidence; the applicant has no criminal history to her credit and that she has never misused the liberty of bail during trial, we are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicant and she be enlarged on bail.

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

7. Without expressing any opinion on the merit of the case, let the applicant- Manisha convicted and sentenced in the aforesaid case, be released on bail on her furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

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

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

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

Order on Appeal

11. Order sheet indicates that Trial Court Record has been received.

12. Office to prepare paper book. Learned counsel for the parties may obtain their copies of the paper book from the office.

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

April 7, 2026
S.K.S.