



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 6597 of 2023

Arvind And 3 Other

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Anil Kumar, Mohit Singh, Rajan Maurya
Counsel for Respondent(s)	:	G.A., Prakash Tripathi

Court No. - 42

**HON'BLE SIDDHARTHA VARMA, J.
HON'BLE PRASHANT MISHRA-I, J.**

Ref: Criminal Misc. Suspension of Sentence Application No.01 of 2023.

1. Heard learned counsel for the appellants and the learned A.G.A. for the State and perused the record.
2. Learned counsel appearing for the informant Sri Ramesh Tripathi has been informed that the case would taken up as mentioned case. However, no one has appeared the mentioned slip is being retained.
3. The instant applications have been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicants on bail in Sessions Trial No. 142 of 2017 (CNR No. UPM0010012922017) (State of U.P. vs. Arvind and Others) and Sessions Trial No. 282 of 2017 (CNR No. UPM0010031252017) (State Vs. Ajay) arising out of Case Crime No.1195 of 2016, under Sections 302/34 of I.P.C, Police Station – Katghar, District – Moradabad.
4. During the arguments, learned counsel for the applicants stated that he would press the bail application on behalf of the appellants Nos. 2 and 3 only. The appellants' counsel has submitted that the role of exhortation as was assigned to the appellants Nos. 2 and 3. This would mean that they had no direct role in the incident. It is further submitted that the applicants No. 2 and 3 had no criminal history. Learned counsel for the appellants further submitted that the appellants were on bail during the trial but never misused the liberty of bail.
5. In rebuttal, learned A.G.A. has opposed the bail application but could not deny the fact that applicants have no criminal history and that they were on bail during the trial but never misused the liberty of bail.
6. In view of the above arguments /reasons, namely, the appellants were on bail during the trial, and also that they never misused the liberty of bail, and also that they have no

criminal history. We are of the view the applicants are entitled to be released on bail. Also they were not assigned any role in the FIR but only the role of exhortation. We also find that they were on bail during the trial but never misused the liberty of bail, and they have no criminal history.

7. Hearing of the bail application of the appellants No. 1 and 4 is deferred.

8. Consequently, the prayer for bail is granted. The bail application of the applicants No. 2 and 3 are **allowed**.

9. Without expressing any opinion on the merit of the case, let the applicants No. 2 and 3 **Pranchal and Arpnesh** convicted and sentenced in the aforesaid case, be released on bail on their furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

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

11. 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.

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

Order on Appeal

13. Trial court record has been received.

14. Office is directed to prepare the paper book if is not ready.

15. List this case on 18.08.2026 for final hearing before the appropriate bench.

March 19, 2026
vijay krishna

(Prashant Mishra-I,J.) (Siddhartha Varma,J.)