



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4393 of 2021

Anant

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Anubhav Shukla, Atul Kumar Pandey,
Km. Khushi, Mohd Akhtar, Ram
Shiromani Shukla, Sufiya Bano
Counsel for Respondent(s) : G.A.

Court No. - 92

HON'BLE JAI PRAKASH TIWARI, J.

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

Heard Sri Atul Kumar Pandey, learned counsel for the applicant/appellant, learned A.G.A. for the State and perused the record.

This criminal appeal under Section 415(2) of B.N.S.S. has been preferred with prayer to allow the application and release the applicant/appellant on bail, suspend the sentence of the applicant/appellant in S.T. No. 83 of 2019, (State Versus Anant) arising out of Case Crime No. 11 of 2019 under Sections 376(1) IPC, Police Station Pannuganj, District Sonbhadra arising out of judgment and order dated 18.08.2021 passed by Additional Sessions Judge, Sonbhadra whereby the applicant/appellant has been awarded the maximum sentence of ten years' and a fine of Rs. 20,000/- with default stipulation.

Learned counsel for the applicant/appellant submits that applicant is innocent and has been falsely implicated in the present case. Further, the learned trial court did not appreciate the evidence on record in proper way but convicted and sentenced the applicant/appellant for a maximum period of ten years imprisonment with fine. It is further submitted that due enmity between the parties the present false FIR has been lodged against the applicant/appellant. No external or internal injury was found over the body of the victim at the time of medical examination. It is further submitted that the victim was major at the time of incident. Judgment and

order passed by learned trial court is based on conjectures and surmises and absolutely there is no evidence against the applicant/appellant. Since hearing of appeal is also not likely to be completed in near future, therefore, request to release the applicant/appellant on bail during the pendency of appeal.

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

Having considered the rival submissions made by learned counsel for the parties and on perusal of the record, it is evident that maximum sentence awarded to the applicant/appellant is for a period of ten years. It is seen from the Custody Certificate that the appellant has spent more than 7 years and 10 months in jail. The final disposal of the appeal will likely to take time, as such, the appellant has made out a case for bail.

The prayer for bail is accordingly allowed.

Let the applicant/appellant- **Anant** be released on bail during the pendency of the instant appeal in the aforementioned case crime number on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to deposition of entire amount of fine within one month from the date of his release, if not already deposited.

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

Order on Appeal

List in due course.

(Jai Prakash Tiwari,J.)

February 5, 2026
S.K.