

Court No. - 43

Case :- CRIMINAL APPEAL No. - 5580 of 2022

Appellant :- Arun Kumar Rai

Respondent :- State of U.P.

Counsel for Appellant :- Chandra Kumar Rai, Mahesh Prasad Yadav

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Dr. Gautam Chowdhary, J.

(Ref: Criminal Misc. Suspension of Sentence/Ist Bail Application No.1 of 2022)

Bail application has been filed on behalf of accused appellant Arun Kumar Rai, who has been convicted in Sessions Trial No.1096 of 2021 (State Vs. Arun Kumar Rai), under Section 302 IPC, arising out of Case Crime No.109 of 2021, P.S. Barahganj, District Gorakhpur and the maximum sentence awarded to him is rigorous life imprisonment.

Learned counsel for the appellant submits that the accused appellant is suffering from her heart ailment and has been advised CT-Coronary Angiography. It is also submitted that proper treatment is not available to the accused appellant as he has not been sent to the concerned medical wing of the hospital so far. Submission is that since hearing of the appeal may take sufficiently long, as such he be enlarged on bail.

Learned AGA has opposed the prayer made for grant of bail on the ground of criminal history of the accused appellant.

Learned counsel for the appellant with reference to assertions made in the supplementary affidavit has attempted to explain the criminal history of the accused appellant, inasmuch as in most of the cases the appellant has been acquitted.

Considering the medical condition of the accused appellant as also the fact that he may require proper medical treatment and hearing of the appeal may take sufficiently long, we deem it appropriate to enlarge the accused appellant on short term bail for a period of six weeks, subject to following conditions:

(i) That the appellant shall observe peace and tranquility during the

period of short term bail and shall not indulge in any unlawful activity.

(ii) That for the period of short term bail, the appellant shall be accompanied by necessary police guard(s) who shall keep him under 24 hours vigil but the appellant will be free to move about to places that he wants to go.

(iii) That the appellant shall surrender before the C.J.M., Gorakhpur immediately after the period of short term bail comes to an end and shall be sent back to jail.

This order be intimated to the C.J.M., Gorakhpur through the Registrar General, High Court, Allahabad for making proper arrangement.

The concerned authority shall ensure that appropriate security steps are taken so that no uncalled for incident take place.

Let a copy of this order be supplied to the learned counsel for the appellant today itself on payment of usual charges.

The C.J.M., Gorakhpur shall submit his report/certificate regarding compliance of the order of this Court by the date next fixed.

Office is directed to prepare paper book and list this appeal for hearing on its due turn.

Order Date :- 17.10.2024

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