

Court No. - 44

Case :- CRIMINAL APPEAL No. - 5017 of 2019

Appellant :- Pushpendra

Respondent :- State of U.P.

Counsel for Appellant :- Mamta Sen, Ravi Prakash Singh

Counsel for Respondent :- G.A.

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Umesh Chandra Sharma, J.

Order on Criminal Misc. 2nd Bail Application No. 5 of 2023.

Heard learned counsel for the applicant-appellant and learned A.G.A. for the State.

The instant bail application pending appeal has been filed by applicant-appellant, Pushpendra, convicted and sentenced in S.T. No. 134 of 2012 arising out of Case Crime no. 563 of 2011, under Section 302 I.P.C., police station Surajpur, District Gautam Budh Nagar.

The appellant is in jail for more than 11 years. The first bail application was rejected for want of prosecution. The doubt is created from the inquest itself whether it was a suicidal or homicidal death. The fact that the accused also sustained burn injuries on his hand, we deem it fit for grant of bail to him.

Let accused-appellant, **Pushpendra**, convicted and sentenced in the aforesaid Sessions Trial be released on bail during the pendency of the appeal subject to his furnishing personal bonds and two sureties each of the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The appellant shall file an undertaking to the effect that he shall not seek any unnecessary adjournment.

(ii) The appellant shall not leave India without permission of this Court.

(iii) The appellant shall inform the change of address within 10 days, failing which the State shall be at liberty to request for cancellation of his bail.

(iv) Order of fine shall remain suspended during appeal.

As far as sentence is concerned, the same shall remain suspended during pendency of the appeal.

Order on Appeal

List on 28.9.2023 for final disposal.

Order Date :- 7.8.2023

S.Verma