



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3045 of 2025

Ram Prasad

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)

: Anil Kumar Ojha

Counsel for Respondent(s)

: G.A., Raj Kumar Kesari

with

CRIMINAL APPEAL No. - 2716 of 2025

Bablulal

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)

: Satya Prakash Shukla

Counsel for Respondent(s)

: G.A., Raj Kumar Kesari

Court No. - 53

HON'BLE SUBHASH CHANDRA SHARMA, J.

In Ref: Criminal Misc. (Suspension of Sentence) Application No.01 of 2025

Heard learned counsel for the appellants as well as learned counsel for the informant/opposite party no.2 alongwith learned A.G.A. for the State and perused the material on record.

The present criminal appeals u/s 415(2) B.N.S.S. has been preferred with prayer to allow the appeal and set aside the judgment and order dated 21.02.2025 passed by Additional Session Judge/Special Session Judge (POCSO) Act, Sonbhadra passed in Special Session Trial No.25 of 2018 arising out of Case Crime No.258 of 2017, under Section 363, 370, 376D I.P.C. & Section 4 POCSO Act, Police Station Ghorawal, District Sonbhadra and judgment dated 20.02.2025 and conviction order dated 21.02.2025

passed by Additional Session Judge/Special Session Judge (POCSO) Act, Sonbhadra in Special Session Trial No.42 of 2018 (State vs. Babulal) arising out of Case Crime No.258 of 2017, under Sections 363, 370(4), 376D, Police Station Ghorawal, District Sonbharda, It is further prayed that during the pendency of the instant appeal, the appellants may be released on bail, suspend the sentence and the realization of fine imposed against him may kindly be stayed.

It is submitted that in this case appellants are innocent and have been falsely implicated for committing rape with the victim said to be minor and then selling her in Rajssthan. Further submitted that during medical examination no any external or internal injury was found on the person of the victim to support the allegation of rape with her. Further submitted that F.I.R. was lodged after inordinate delay at the instance of Inspector General of Police. Further submitted that the victim was not recovered from the possession of the present appellants but from the house of Laxman and Kojram residents of Rajasthan but they have not been made accused in the present case. Further submitted that there is no any cogent and reliable evidence on record to establish the fact that victim was taken away by the appellants and then sold to Laxman and Kojram. Even though the learned trial court convicted and sentenced the appellants for a period of 20 years rigorous imprisonment without appreciating the evidence on record in proper manner. It is also submitted that the appeal is also likely to take some time for final disposal, therefore, requested to release them on bail during the pendency of present criminal appeal.

On the other hand, learned A.G.A. as well as learned counsel for the informant opposed the bail application and contended that in this case the appellants took the victim with them who was aged about 14 years and committed rape with her. Thereafter took her to Rajasthan and sold her in the hands of Laxman and Kojram. When the informant made approach to the police station his F.I.R. was not lodged by the police but he was told to trace the minor child. Again, when he could not find the child and this fact came into the knowledge that she has been taken away by the present appellants he tried to contact them but they did not hand over the girl to him. Later on, he made approach to the Inspector General of Police then F.I.R. was lodged and during the course of investigation on the basis of information given by the appellants the minor child was recovered from Rajsthan. Her statement u/s 164 Cr.P.C. was also got recorded before the learned Magistrate in which

she made allegations against the appellants for taking her away and selling her in Rajasthan. She also made allegation regarding commission of rape by the appellants with her. During the course of trial she again supported her version. In this way, it cannot be said that there is no any evidence against the appellants to show their implication.

Considering the facts and circumstances of the case in particular the nature of evidence adduced by both the parties alongwith learned A.G.A., the age of the victim being 14 years, the statement of the victim as recorded before the learned Magistrate as well as before the learned trial court and the gravity of the offence there appears no ground to grant bail in favour of the appellants.

Accordingly, the applications for suspension of sentence are, hereby, **rejected.**

In Re: Criminal Appeal

Office is directed to prepare the paper book.

List on 05.02.2026.

December 16, 2025
Ashok Gupta

(Subhash Chandra Sharma,J.)