

**Court No. - 42**

**Case :-** CRIMINAL APPEAL No. - 8196 of 2009

**Appellant :-** Ghanshyam And Others

**Respondent :-** State of U.P.

**Counsel for Appellant :-** Amit Singh, N.L. Tripathi, Parasu Ram Pandey, Raj Kumar Pandey, Suresh Chandra Dwivedi, Yogesh Kumar Tripathi

**Counsel for Respondent :-** Govt.

Advocate, K.K. Mishra, R.K. Pandey, Sanjay Shukla

**Hon'ble Ashwani Kumar Mishra, J.**

**Hon'ble Mohd. Azhar Husain Idrisi, J.**

(Ref:- Criminal Misc. Parole/Short Term Bail Application No.9 of 2024)

1. This short term bail has been filed on behalf of appellant Ghanshyam Pandey who has been convicted in Session Trial No. 499 of 1987, arising out of Case Crime No. 53 of 1987, under Sections 147, 148, 149, 302, 395, 427 I.P.C., Police Station Kothibhar, District Maharajganj.

2. Short term bail application has been filed on behalf of accused appellant Ghanshyam Pandey on the ground that he is suffering from serious ailment and he is more than 78 years old, therefore, the accused appellant be released on short term bail.

3. Learned A.G.A. has obtained instructions, according to which, the accused appellant is 73 years old and suffering from urinary tract infection (U.T.I.).

4. From the facts placed on record, it appears that the accused appellant is suffering from urinary tract infection. In such view of the matter, we deem it appropriate to enlarge the accused appellant Ghanshyam Pandey on short term bail in Session Trial No. 499 of 1987, arising out of Case Crime No. 53 of 1987, under Sections 147, 148, 149, 302, 395, 427 I.P.C., Police Station Kothibhar, District Maharajganj, for a period of two months from today, 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., Maharajganj 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., Maharajganj 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., Maharajganj shall submit his report/certificate regarding compliance of the order of this Court by the date next fixed.

Application is, accordingly, allowed.

**Order Date :- 21.5.2024**

Rmk.