

Court No. - 44

Case :- CRIMINAL APPEAL No. - 6555 of 2022

Appellant :- Shiv Pratap @ Bade Lalla

Respondent :- State of U.P.

Counsel for Appellant :- Swati Agrawal Srivastava, Vimal Chandra Mishra

Counsel for Respondent :- G.A.

Hon'ble Dr. Kaushal Jayendra Thaker,J.

Hon'ble Umesh Chandra Sharma,J.

Order on Criminal Misc. Bail Application No. 01 of 2022

1. Heard Mrs. Swati Agrawal Srivastava, learned counsel for the appellant and learned A.G.A. for the State.

2. The present application seeking bail/suspension of sentence has been filed by accused-appellant, Shiv Pratap alias Bade Lalla pending appeal against the judgment and order dated 5.8.2022 passed by Additional Sessions Judge, Court No.1, Farrukhabad in Sessions Trial No. 105 of 2018 (State vs. Shivpratap alias Bade Lalla) whereby the accused-appellant has been convicted and sentenced under Section 302/149 of IPC for life imprisonment with fine of Rs.50,000/- and, in case of default in payment of fine, one year additional sentence has been directed to be undergone.

3. It is submitted by learned counsel for the appellant that the accused is the husband of the deceased and their marriage subsisted for more than 12 years. It is submitted that the deceased had committed suicide which was known to her brother also. It is further submitted that while trying to remove the dead body, hooks which were there on the wall, entangled and that is how the injuries were sustained.

4. As against this learned A.G.A. has vehemently opposes the bail application stating that the injuries were not justified before the learned Sessions Judge and the Sessions Judge has rightly convicted the accused-appellant. It is further submitted that looking to the gruesomeness of the offence, if the accused is enlarged on bail, he would be menace to the society.

5. While going through the record and impugned judgment, we are convinced that in this matter the accused does not require any sympathy of this Court and he cannot be enlarged on bail.

6. In view of the above, his prayer for bail is rejected. This application is, accordingly, dismissed.

Order Date :- 8.8.2023

DKS