



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5254 of 2021

Kalu

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Ardhendu Shekhar Sharma, Rajesh Kumar Pandey, Ram Babu Sharma
Counsel for Respondent(s)	:	G.A.

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

Order on Criminal Misc. First BailApplication No. NIL of 2021

This is an application for bail pending appeal made on behalf of Kalu, who has been convicted in S.T. No. 761 of 2012 (arising out of Crime no. 244 of 2012), under Section 302 IPC, read with Section 34 I.P.C. and Section 394 I.P.C., and S.T. No. 758 of 2012 (arising out of Crime No. 252 of 2012) under Section 25 Arms Act, both relating to P.S Anupshahr, District Bulandshahr and the appellant has been sentenced to imprisonment for life, besides the terms and sentence on other counts.

Heard Mr. Ardhendu Shekhar Sharma learned Counsel for the appellant-applicant and Mr. Anil Kumar Mishra, learned Additional Government Advocate appearing on behalf of the State.

The submission of learned counsel for the appellant-applicant is that the appellant-applicant was not apprehended on the spot, but his name figured in the accomplice testimony of Ramu, who was apprehended on the spot. It is further argued that besides the appellant, the other convict, Bholu, who too was arrested on the basis of Ramu's statement, is the one who shot the deceased. It is further submitted that the applicant is in jail since 26.10.2021.

Mr. Anil Kumar Mishra, learned Additional Government Advocate has opposed the bail plea.

Considering the submissions advanced by learned counsel for both sides, we find that the appellant-applicant's name has surfaced during investigation on the basis of accomplice testimony and the allegation of shooting is against the other convict who too was named by Ramu, the apprehended accused. We also note the fact that there is no likelihood of the appeal being heard in the near future. Considering the entirety of circumstances, we are of opinion that this is a fit case for bail pending appeal.

The bail application is **allowed**.

Let the appellant-applicant, **Kalu**, convicted in S.T. No. 761 of 2012 (arising out of Crime no. 244 of 2012), under Section 302 IPC, read with Section 34 I.P.C. and Section 394 I.P.C., and S.T. No. 758 of 2012 arising out of Crime No. 252 of 2012 under Section 25 Arms Act, both relating to P.S Anupshahr, District Bulandshahr be **released on bail** pending appeal, upon his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the learned Chief Judicial Magistrate, Bulandshahr, subject to the following conditions :

1. The appellant-applicant will appear before the Court of the learned Chief Judicial Magistrate, Bulandshahr once every month, which shall be the third Saturday. If the third Saturday happens to fall on a public holiday and the Court is not functioning, he will attend the learned Chief Judicial Magistrate's Court on the next working day. The Chief Judicial Magistrate shall record his presence and maintain a record of his attendance.
2. The appellants-applicants shall ensure that learned Counsel appearing for him appears at the hearing of this appeal or to whichever date it is adjourned, without fail.

As soon as personal and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court by the concerned court to be kept on record.

Until further orders of this Court, subject to the appellant-applicant depositing 50% of the fine within a month of his release from prison,

realization of the balance shall remain **stayed**. In the event of default, the entire fine shall be recovered in the manner prescribed by law.

Order on appeal

Lower Court record has been received. Let paper-book be complied within three weeks.

List in due course.

Let this order be communicated to the learned Chief Judicial Magistrate, Bulandshahr by the Registrar (Compliance) **by Monday**.

(Vinai Kumar Dwivedi,J.) (J.J. Munir,J.)

March 20, 2026

NSC