

Court No. - 48

Case :- CRIMINAL APPEAL No. - 2255 of 2014

Appellant :- Ravindra Kumar

Respondent :- State of U.P.

Counsel for Appellant :- Lav Srivastava, Anuj Srivastava, Ishwar Chandra Tyagi, M J Akhtar, Nitin Srivastava, V.P. Srivastava

Counsel for Respondent :- Govt. Advocate, Kameshwar Singh

Hon'ble Suneet Kumar, J.

Hon'ble Syed Waiz Mian, J.

Order on Criminal Misc. Third Bail Application No. 27 of 2022

Heard Adarsh Gupta, Advocate, learned counsel for the appellant, Shri Sarveshwari Prasad, learned Amicus Curiae for the appellant/applicant, learned A.G.A. for the State and Shri Kameshwar Singh, learned counsel for the informant, and perused the record.

It is urged that as per custody certificate dated 01.07.2022, of Superintendent, District Jail, Muzaffarnagar, appellant/applicant has undergone incarceration with remission 11 years, 7 months and 9 days, pursuant to the impugned judgment and order. It is urged that the appeal is not likely to be heard in near future. In support of his submission, reliance has been placed on the decisions of the Supreme Court in ***Saudan Singh Vs. The State of Uttar Pradesh (Criminal Appeal No.308 of 2022)*** and ***Brijesh Kumar @ Ramu Versus The State of Uttar Pradesh (Criminal Appeal No. 540 of 2022)*** the appellant is entitled to be enlarged on bail.

Learned AGA has strongly opposed the prayer for bail but he has not been able to dispute the aforementioned authorities.

We have perused the judgment and records of the lower court with the assistance of the learned counsel for the parties. We are of the opinion that the sentence awarded by the trial court be kept in abeyance and the appellant in consequence be enlarged on bail. Consequently, the prayer for bail is granted.

Without expressing any opinion on the merit of the case, let the appellant ***Ravindra Kumar***, convicted and sentenced in Sessions Trial No. 1007 of 2012, and Session Trial No. 1008 of 2012, arising out of Case Crime No. 93 of 2012, Police Station-Adarsh Mandi Shamli, District -Muzaffarnagar, under Section 302 I.P.C. and Section 30 of Arms Act, be released on bail on his furnishing only a personal bond to the court concerned.

It is made clear that the fine imposed by the trial court, in the

impugned judgment and order shall remain stayed till the decision of the appeal.

On acceptance of personal bond, the lower court shall transmit photostat copies thereof to this Court for being kept on the record.

Office to inform the concerned Jail Superintendent through C.J.M. concerned to ensure compliance of the order.

Order on Appeal

Shri Sarveshwari Prasad, learned Amicus Curiae shall be paid Rs. 10,000/- towards remuneration for conducting the case.

Office to prepare paper book, if not prepared.

List the appeal for hearing in the month of July, 2023.

Order Date :- 28.9.2022

Deepak/