

**Court No. - 44**

**Case :-** CRIMINAL APPEAL No. - 6936 of 2022

**Appellant :-** Ramveer

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

**Counsel for Appellant :-** Anoop Singh, Gaurav Singh Chauhan, Usha Srivastava, Vinod Kumar Srivastava

**Counsel for Respondent :-** G.A.

**Hon'ble Siddhartha Varma, J.**

**Hon'ble Madan Pal Singh, J.**

**Criminal Misc. Suspension of Sentence/Bail Application No. 01 of 2022**

1. Heard Sri Ambrish Kumar Kashyap and Lal Bahadur Yadav holding brief of Sri Vinod Kumar Srivastava learned counsel for the applicant and learned A.G.A. appearing for the State.

2. The instant application has been filed under Section 389 Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No. 613 of 2007 arising out of Case Crime No. 338 of 2006, under Sections 302 IPC, Police Station - Nawabganj, District - Farrukhabad.

3. It is the contention of learned counsel for the appellant-applicant that the role of the applicant and that of the co-accused Manoj was absolutely similar. He further relies upon the report of the doctor which had clearly stated that the incident had occurred 2 to 3 days before the post mortem was conducted and, therefore, he submits that the case of prosecution as was brought forth by the first informant was falsified. Learned counsel for the appellant-applicant further submitted that when the case of the prosecution is that there were two assailants and there was only one injury, it could not be said with certainty that the appellant was there. He further submitted that no blood was found on the place of incident. It is

also submitted that the appellant has no criminal history and that the conduct and behaviour of the appellant in jail was good and to the satisfaction of the jail authorities.

4. In rebuttal, learned AGA has opposed the bail application but he could not deny the facts that the applicant was on bail during the trial and he never misused the liberty of bail and that he has no criminal history.

5. We have perused the judgement 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 in respect of applicant and the applicant be enlarged on bail.

6. Consequently, the prayer for bail is granted. The bail application is allowed.

7. Without expressing any opinion on the merit of the case, let the applicant- **Ramveer**, convicted and sentenced in the aforesaid case, be released on bail on his furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

8. The realization of fine shall remain stayed till the decision of the appeal.

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

**Order on Appeal :**

10. List this appeal on 7.7.2025 for final hearing.

**Order Date :- 29.5.2025**

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(Madan Pal Singh,J.) (Siddhartha Varma,J.)