



HIGH COURT OF JUDICATURE AT ALLAHABAD

JAIL APPEAL No. - 147 of 2025

Naushad

.....Appellant(s)

Versus

State Of U.P Through Its Principal Secretary (Home)

.....Respondent(s)

Counsel for Appellant(s)	:	Atul Pandey, Omvir Singh Rajpoot
Counsel for Respondent(s)	:	A.G.A.

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

Order on Criminal Misc. Bail/Suspension of Sentence Application

1. This appeal has been preferred against the conviction and sentence recorded vide judgment and order dated 30.11.2024 passed by the learned Additional Sessions Judge, Court No.13, District- Aligarh in Sessions Trial No.709 of 2009 in Case Crime No.559/2009, under Sections 393, 307/34 I.P.C., Police Station- Bannadevi, District- Aligarh.
2. Heard learned Counsel for the appellant-applicant as well as the learned AGA for the State.
3. By means of the bail application, the appellant-applicant seeks suspension of sentence and grant of bail.
4. It has been submitted by learned counsel for the appellant-applicant that the appellant is innocent and has been falsely implicated. It has been further submitted that the conviction and sentence imposed by the learned trial court is against the weight of evidence on record. The trial court has misread the evidence on record and convicted the appellant. The prosecution has not been able to prove its case beyond reasonable doubt. It has further been submitted that no recovery was made from the applicant rather the recovery was made from one Nafees. It has further been submitted that only one gunshot injury was found on the body of the injured. It has further been submitted that the applicant is languishing in jail since 30.11.2024. It has further been submitted that the applicant has served out more than two and a half year in jail out of the maximum sentences imposed upon him by the trial court. It has been further submitted that the appellant was on bail during trial

and has not misused the liberty of bail. Since there is no likelihood of early hearing of the appeal in near future, the appellant may be released on bail during the pendency of this appeal. Besides the above submissions, learned counsel for the appellant has also tried to touch upon at length the circumstances which led to the false implication of accused - appellant.

5. On the other hand, learned AGA vehemently opposed the bail application.

6. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record including the impugned judgment.

7. Having regard to the facts and circumstances of the case, sentence awarded to the appellant, the evidence available on record and the findings recorded by the trial court thereon, and the fact that the appeal may take some time for its final disposal, without further commenting on the merits of the case, I am inclined to release the appellant on bail.

8. Let the above named accused-appellant- **Naushad** be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with subject to the condition below:-

(i) The appellant/applicant shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iii) The appellant/applicant shall deposit the entire amount of fine imposed against him by the learned trial court, if not deposited, within a period of four weeks from the date he/she is released on bail under this order.

9. The sentence awarded to applicant-appellant shall also remain suspended during the pendency of this appeal.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that this Court has, however, not made any observation on the merits of the appeal.

12. A copy of the personal bond and surety bonds shall be transmitted to this

Court by the court below for being kept on record of this appeal.

13. Office is directed to send a copy of this order to the Court concerned through email/fax immediately for necessary compliance.

Order on appeal

14. Perusal of the office report shows that the lower court record has been received in Connected CRLA No.546/2025.

15. List this appeal in due course.

April 9, 2026
Pravesh Mishra

(Mrs. Vani Ranjan Agrawal,J.)