

Court No. - 46

Case :- CRIMINAL APPEAL No. - 609 of 2015

Appellant :- Aneesh And Another

Respondent :- State of U.P.

Counsel for Appellant :- Bharat Singh, Girish Vishwakarma, Mohd Faiz, Saroj Kumar Dubey, Shami Ullah, Surendra Singh

Counsel for Respondent :- Govt. Advocate

Hon'ble Arvind Singh Sangwan, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Order on Criminal Misc. 4th Bail Application No. 28 of 2023

1. Heard learned counsel for the appellants and learned AGA for the State.
2. This is the fourth bail application of appellant no.1- Aneesh. The first, second and third bail applications of appellant was dismissed on 20.4.2015, 9.10.2018 and 2.3.2023 respectively.
3. Present bail application has been filed by the accused-appellant who has been convicted and sentenced vide judgment and order dated 28.1.2015 passed by Additional Sessions Judge/Special Judge (E.C. Act), Budaun in ST No. 903 of 2006 arising out of Case Crime No. 268 of 2006, under Sections 302/ 34 I.P.C., Police Station - Sahaswan, District- Budaun.
4. Learned counsel for the appellants submits that the new ground for filing this bail application is that as per the custody certificate dated 20.11.2023, the appellant has undergone more than 10 years of actual sentence and more than 13 year of total sentence including remission. He further submits that he has no criminal history and he was on bail during trial and never misused the concession on bail.
5. Learned counsel submits that appellant- Aneesh is the husband of the deceased- Afsana and he has two minor daughters to support and there is no one in family to take care of them.
6. Learned counsel also submits that co-accused/appellant no.1- Babu, who is brother of appellant no.1, Aneesh, has already been released on bail vide order dated 20.4.2015.
7. Learned AGA could not dispute the submissions advanced by

learned counsel for the appellants.

8. After hearing learned counsel for the parties and considering the long incarceration of the accused appellant as well as the fact that the appeal pertains to the years 2015 and is not likely to be decided early, this Court deems it fit to enlarge the accused-appellant on bail in view of the the decision of the Apex Court in ***Criminal Appeal No.308 of 2022 (Saudan Singh vs. State of U.P.) decided on 25.2.2022.***

9. Let accused-appellant- **Aneesh**, convicted and sentenced in the aforesaid Sessions Trial be released on bail during pendency of the appeal subject to his furnishing personal bonds and two sureties each of the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The appellant shall file an undertaking to the effect that he shall not seek any unnecessary adjournment.

(ii) The appellant shall not leave India without permission of this Court.

(iii) The appellant shall inform the change of address within 10 days, failing which the State shall be at liberty to request for cancellation of his bail.

10. Half of the fine shall be deposited within three months from today.

11. In view of the above, this bail application is **allowed**.

Order on Appeal

List the matter for final disposal in due course.

Order Date :- 22.11.2024

Mohini