

Court No. - 48

Case :- CRIMINAL APPEAL No. - 6525 of 2019

Appellant :- Babloo @ Suneel Singh

Respondent :- State Of U.P. And Anr.

Counsel for Appellant :- Ajay Singh, K.K. Rao, Naveen Kumar Yadav, Sudhir Kumar Agarwal, Vinay Kumar

Counsel for Respondent :- G.A., Nasiruddin Warsi, Pawan Kumar

Hon'ble Siddhartha Varma, J.

Hon'ble Manish Kumar Nigam, J.

1. Custody Certificate filed today be kept on record.

Criminal Misc. Bail Application

2. Heard Sri K.K. Rao learned counsel for the applicant and Sri R.P. Singh learned A.G.A. appearing for the State and perused the record.

3. The instant application has been filed to release the applicant on bail in S.T. No. 78 of 2013 arising out of Case Crime No. 397 of 2013, under Sections 302 of I.P.C. and Section 3(2)5 of SC/ST Act, Police Station - Paniyara, District - Maharajganj.

4. Contention of the learned counsel for the applicant is that the applicant is innocent and has been falsely implicated. Learned counsel for the applicant basing on the custody certificate submitted that the applicant has actually remained in jail for a period of more than 10 years. Learned counsel for the applicant submitted that the applicant has no noticeable criminal history and the behaviour of the applicant was to the satisfaction of the Jail Authorities. Still further learned counsel for the applicant has submitted that there is a very little chance of the appeal being heard and decided expeditiously in the near future and, therefore, the applicant is entitled to be released on

bail.

5. Learned counsel for the applicant has placed reliance on the decisions of Supreme Court rendered in **Saudan Singh vs. State of U.P.** decided on 25.2.2022 in **Criminal Appeal No. 308 of 2022 [@SLP (Crl.) No. 4633 of 2022]** and **Suleman vs. State of U.P. : Criminal Appeal No.491 of 2022 decided on 9.5.2022.**

6. In rebuttal, learned AGA has opposed the bail application but he has not disputed the aforesaid facts that the applicant has no criminal history and he has remained in jail for fairly a long period of time.

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

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

9. Without expressing any opinion on the merit of the case, let the applicant, Babloo @ Suneel Singh, 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.

10. The fine shall remain stayed till the decision of the appeal.

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

12. Conditions as have been made applicable by Hon'ble Supreme Court in the Case **In Re: Policy Strategy for Grant of Bail** passed in **SMWP (Criminal) No. 4 of 2021** by order

dated 31.01.2023 be complied with.

Order on Appeal

13. Paper book be prepared.

14. List this case on 12.12.2023.

Order Date :- 29.5.2023

PK

(Manish Kumar Nigam,J.) (Siddhartha Varma,J.)