

Court No. - 44

Case :- CRIMINAL APPEAL No. - 5884 of 2021

Appellant :- Shekhar Robert

Respondent :- State of U.P.

Counsel for Appellant :- Abhishek Kulshrestha, Arvind Kumar Singh, Krishna Shankar

Counsel for Respondent :- G.A., Ravi Sahu

Hon'ble Siddhartha Varma, J.

Hon'ble Vipin Chandra Dixit, J.

Criminal Misc. Bail Application No. NIL of 2021 :

1. Heard Sri Arvind Kumar Singh, learned counsel for the applicant-appellant and learned A.G.A. appearing for the State. No one has appeared on behalf of the informant even in the revised call.

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.1935 of 2008 (DPKN010003382002) (State vs. Shekhar Robert & Anr.) arising out of Case Crime No.1266 of 2007, under Sections 302/34 and 201 of Indian Penal Code, Police Station - Chakeri, District - Kanpur Nagar.

3. It is the contention of learned counsel for the appellant that the appellant-applicant had absolutely no role in the death of the deceased Pawan. It has been submitted that Pawan was in love with the daughter of the appellant and when the father of the deceased had prohibited the deceased from getting married to the daughter of the appellant then he committed suicide. Learned counsel for the appellant submits that when the appellant was ready to get his daughter married to the deceased then under no circumstances, would he commit the murder. Still further, he submits that when the appellant had found the dead body in his backyard, he had got lodged a First Information Report promptly. Learned counsel for the appellant states that, however, the father of the deceased had got a very delayed FIR lodged on 13.11.2007 despite the fact that the death of his own son had occurred on 11.11.2007. Learned counsel for the appellant submits that the appellant and the co-accused Dolly, who had already been granted bail

in the connected Criminal Appeal No.703 of 2022 vide order dated 11.3.2024, were absolutely similarly placed. Learned counsel further submits that the appellant was released on bail during trial and he never misused the liberty of bail and that he has also no criminal history.

4. In rebuttal, learned AGA has opposed the bail application but he could not deny the facts that the applicant-appellant was released on bail during trial and he had no criminal history and also that the co-accused Dolly has been released on bail vide order dated 11.3.2024 passed in Criminal Appeal No.703 of 2022.

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-**Shekhar Robert**, 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 with the following conditions :

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

(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 bail.

8. The applicant is directed to deposit half of the amount of fine imposed by the trial court within one month from the date he is released on bail, failing which coercive measure shall be adopted by the trial court for realization of fine. It is made clear that if the appellant-applicant deposits 50% of the fine imposed by the Trial Court, the recovery of the remaining 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. Order sheet indicates that Lower Court Record has been received. Office to prepare paper book. Learned counsel for the parties may obtain their copies of the paper book from the office.

11. List this appeal in the month of September 2025 for final hearing.

Order Date :- 10.4.2025

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(Vipin Chandra Dixit, J.)

(Siddhartha Varma, J.)