

**Court No. - 51**

**Case :-** CRIMINAL APPEAL No. - 5560 of 2017

**Appellant :-** Gajendra & 4 Others

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

**Counsel for Appellant :-** Mrityunjay Dwivedi, Vishal Agarwal

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

**Hon'ble Vipin Sinha,J.**

**Hon'ble Akhilesh Chandra Sharma,J.**

**Order on Criminal Misc. Bail Application**

This is a bail application moved on behalf of appellant Gajendra in the instant criminal appeal.

Heard learned counsel for the parties and perused the record.

Contention of the learned counsel for the appellant is that even if the prosecution story is believed to be true, the role of killing the deceased has been assigned to co-accused Rajendra who has already expired during trial itself and is not a party in the present appeal; reliance in this regard has been placed upon the testimony of P.W.-3 Rajendra; appellant was on bail during trial which liberty has never been misused or abused by him and the present appellant has no previous criminal history; there is no likelihood of the appeal being heard in near future and there is every likelihood of the appeal being allowed.

Learned A.G.A. has strongly opposed the prayer for bail but he does not rebut the aforesaid contentions.

Without expressing any opinion on the merits of the case, let the appellant Gajendra convicted and sentenced in S.T. No. 1179/2003 arising out of case crime no. 99/2003, u/s 147, 148, 149, 302 IPC, PS. Atrauli, District Aligarh be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

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.

Fifty percent of the fine shall be deposited by appellant within a period of one month from the date of his release and balance fifty percent of fine shall remain stayed during the pendency of this appeal. In case of default in depositing fifty percent of fine within the aforesaid period, the same shall be recovered in accordance with law.

**Order Date :-** 15.2.2018

Neeraj