



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10319 of 2023

Yadram

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Anwar Hussain, Avinash Mani Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 42

**HON'BLE SIDDHARTHA VARMA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.**

Order on Criminal Misc. Second Bail/Suspension of Sentence Application

1. Heard learned counsel for the appellant as well as the learned A.G.A. for the State and perused the record.
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. 99 of 2015 (State vs. Yad Ram and four others), Case Crime No. 348 of 2014, under Sections 147, 148, 149, 302, 34 IPC, Police Station- Jasrana, District- Firozabad.
3. Learned counsel for the appellant has made two fold arguments, firstly the appellant is 77 years of age, as is clear from the judgment itself, and secondly he has actually remained in jail 11 years and 6 months. It is also submitted that the appellant remains ill. He has no criminal history. It is also submitted that co-accused Yogesh has been granted bail by this Court. 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.
4. In rebuttal, learned A.G.A. opposed the bail application but he could not deny the fact that the appellant has no criminal history, he is more than 75 years of age, he remains ill and he has served out 11 years and 6 months actual sentence. He could also not deny the fact that co-accused Yogesh has been granted bail by this Court.
5. We have perused the judgement of the Trial Court with the assistance of

the learned counsel for the parties. We find that the appellant is more than 77 years of age, he has actually remained 11 years and 6 months in jail, he remains ill and co-accused Yogesh has been granted bail by this Court. Also, the appeal is of the year 2023 only and there is remote possibility of hearing of this appeal in the near future. 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 - **Yadram**, 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.

8. The realization of 50% fine shall remain stayed till the decision of the appeal.

9. On acceptance of bail bond and personal bond, the Trial Court shall transmit photostat copies thereof to this Court for being kept on the record.

Order on Appeal :

10. Prepare book is ready. Learned counsel for the parties to receive the same from the office.

11. List this appeal on 14.10.2026 for final hearing.

April 9, 2026
safi

(Jai Krishna Upadhyay,J.) (Siddhartha Varma,J.)