



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4276 of 2025

Shri Krishna Alias Krishna Kumar And 3 Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Arvind Kumar, Rahul Shekhar,
Shivanand Mishra

Counsel for Respondent(s) : Amit Kumar Singh, G.A., Km Astha

Court No. - 90

HON'BLE HARVIR SINGH, J.

Order on Application for suspension of sentence

1. Heard Sri Arvind Kumar Srivastava, learned counsel for the appellants-applicants and learned A.G.A. for the State.
2. Learned counsel for the applicants submitted that punishment of four years with rigorous imprisonment was awarded to the applicants and as per the custody certificate, they have incarcerated in jail nearly about seven months. Learned counsel for the appellants / applicants further submitted that applicants have no criminal history and disposal of appeal will take time and accused-appellants undertake that they will not misuse the liberty of bail and shall remain present before the Court as and when required and they will cooperate with the hearing of appeal.
3. Per contra, learned A.G.A. vehemently opposed the prayer made in the instant application, but did not dispute the above facts submitted by learned counsel for the appellants.
4. Perusal of custody certificate dated 19.8.2025 issued by Senior Superintendent of Jail, Central Jail, Etawah reveals that the same has been issued only in respect of appellant No. 1, namely, Shri Krishna alias Krishna Kumar, though during arguments, it was impressed upon that the custody certificate has been issued in respect of all the four appellants.
5. Considering the rival submissions extended by learned counsel for the parties, as well as considering the unlikelihood of early hearing of appeal due to heavy pendency, punishment awarded and custody period as well as applicants have no criminal history, particularly the fact that the custody

certificate has been issued only in respect of appellant no. 1, at this stage without commenting on the merits of the case, I find it a fit case for grant of bail only to appellant no. 1, namely, **Shri Krishna alias Krishna Kumar**, during pendency of the appeal. Rest of the other grounds shall be subject matter of final adjudication of this appeal. The bail application in respect of other three appellants shall be considered later after the custody certificate is furnished by them and the present order shall not have any bearings on the bail application of the other accused persons.

6. Let the applicant-appellant no. 1, **Shri Krishna alias Krishna Kumar** be released on bail on his furnishing personal bond and two sureties in the like amount to the satisfaction of court concerned in Sessions Trial No. 1396 of 2021 [State vs. Shri Krishna Alias Krishna Kumar and Others], arising out of Case Crime No. 157 of 2020, under Sections-323, 504 and 308 IPC, P.S. Chaubiya, District-Etawah. So far as the fine imposed by the trial court in respect of appellant no. 1 is concerned, the entire fine shall be deposited.

7. As soon as personal bonds and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by court concerned to be kept on record of this appeal.

Order on Appeal

1. Admit.
2. Summon the trial court record.
3. List in due course.

(Harvir Singh,J.)

November 24, 2025

HR