



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10239 of 2023

Munis And Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Radhey Shyam Shukla, Raghuvansh
Misra, Vipul Shukla
Counsel for Respondent(s) : G.A.

Court No. - 46

**HON'BLE SIDDHARTH, J.
HON'BLE PRASHANT MISHRA-I, J.**

Order on Criminal Misc. Bail Application.

Case called out. No one appears on behalf of the informant.

Custody certified filed by learned counsel for the appellant is taken on record.

Heard learned counsel for the appellant, learned A.G.A. for the State and perused the record.

This bail application has been moved on behalf of appellants-applicants, **Munis and Viresh @ Chhutkanna**, praying to enlarge them on bail in **Sessions Trial No. 190 of 2019 connected with Sessions Trial No. 287 of 2019, Case Crime No. 914 of 2018 under Section 302 IPC for both the applicants and also in Sessions Trial No. 288 of 2019, Case Crime No. 195 of 2019, under Section 3/25/27(1) of Arms Act for applicant no. 2 only, Police Station- Tilhar, District- Shahjahanpur** during the pendency of this appeal.

Learned counsel for the appellant has pressed the bail application only on behalf of appellant no. 1 on the ground of period of detention of the appellant which comes to more than 7 years. The appellant no. 2 is about to complete his custody of seven years. Learned counsel for the appellants has relied upon the judgment of Apex Court in the case of **Madan Singh Vs. State of M.P. (Criminal Appeal No. 728/2018)** in which the appellant therein was granted bail after completing custody of about seven years. The applicant no. 1 has undergone actual custody of more than 7

years. The appeal is of the year 2023 only and it is not likely to be heard in near future.

Learned A.G.A. has vehemently opposed the prayer for bail of applicants-appellants but could not dispute the contentions of the learned counsel for the appellant.

After hearing the rival submissions and considering the fact that there are more than two hundred criminal appeals being listed before this court per day and it is not humanly possible to decide all on merit. There is remote possibility of hearing of this appeal in near future hence prayer for grant of bail to the applicant no. 1, namely, **Munis**, is allowed.

Let the applicant-appellant no. 1 convicted and sentenced in the aforesaid crime be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned.

The sentence awarded to applicant-appellant no. 1 shall also remain suspended during the pendency of this appeal.

Applicant-appellant no. 1 shall not transfer, sell, alienate or create any charge on the immovable property in his name, while on bail save with leave of this court.

The appellant no. 1 shall inform the change of address, if any, within ten days, failing which the State shall be at liberty to request for cancellation of his bail.

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

The appellant-applicant no. 1 is directed to deposit 50% of fine within a period of one month from the date of his release from jail. Remaining 50% of fine shall remain stayed till the pendency of criminal appeal.

It is made clear that in case, the fine is not deposited within the time as specified above, the same shall be recovered in accordance with law.

Order on Criminal Appeal.

Lower court record has been received.

Office is directed to get the paper book prepared within six weeks.

List this appeal on 06.04.2026.

(Prashant Mishra-I,J.) (Siddharth,J.)

December 18, 2025
Saurabh