

Court No. - 81

Case :- CRIMINAL APPEAL No. - 12955 of 2023

Appellant :- Dadhibal Bind And 2 Others

Respondent :- State of U.P.

Counsel for Appellant :- Vinayak Varma

Counsel for Respondent :- G.A.

Hon'ble Subhash Chandra Sharma,J.

Order on Appeal

Admit.

Trial court record has been received.

List on 30.05.2024.

Order on Bail

Heard Sri Ved Prakash Rai, learned counsel for the appellant no.3 Smt. Binda Devi and he pressed the bail application on behalf of Smt. Binda Devi-appellant no.3 only, as well as learned A.G.A. for the State and perused the material on record.

This bail application has been preferred by the appellant no. 3 to release her on bail in Session Trial No. 449 of 2008, arising out of Case Crime No. 1340 of 2008, under Sections 34/304, 323, 504 I.P.C., J.O. Code No. UP6339, Police Station- Kotwali, District Ghazipur.

It is submitted by learned counsel for the appellant that in this case, the appellant no.3 has been convicted and sentenced under Section 34/323 I.P.C. for a period of one year imprisonment and under Section 504 I.P.C for a period of one year imprisonment with fine of Rs. 500/- and 1000/-. The appellant no.3 was released on interim bail by the trial court till filing of this appeal and the order was extended from time to time, therefore, request to release the appellant no.3 on bail during the pendency of appeal.

Learned A.G.A. has no objection in this regard.

Considering the facts and circumstances of the case in particular the nature of evidence adduced by the parties, keeping in view the period of sentence appellant served in jail and none possibility of

hearing of appeal in near future; without further commenting on merit of the case, I am inclined to release the appellant no.3- Binda Devi on bail.

Let appellant **Smt. Binda Devi** be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned during pendency of this appeal.

The realization of fine is not stayed. The appellant no.3-Smt. Binda Devi is directed to deposit the amount of fine within 30 days after her release from jail.

On acceptance of bail and personal bonds, the lower court shall transmit photostat copies thereof to this Court for being kept on the record.

The party shall file computer generated copy of this order downloaded from the official website of High Court Allahabad, self attested by representative/counsel of the appellant (s) along with a self attested identity proof of the said person (s) (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

The bail application of appellant no.1-Dadhibal Bind and appellant no.2-Smt. Shakuntala Devi remain pending.

Order Date :- 1.5.2024

T.S.