



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 12955 of 2023

Dadhibal Bind And 2 Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Awashesh Kumar, Bed Prakash Rai, Kalp Dev Mishra, Kamla Singh, Vinayak Varma
Counsel for Respondent(s)	: G.A.

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

Order on Criminal Misc. Bail/Suspension of Sentence Application

- 1.This appeal has been preferred against the conviction and sentence recorded vide judgment and order dated 21.11.2023 and 23.11.2023 passed by the Additional District and Sessions Judge/Special Court E.C. Act 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., P.S.-Kotwali , District- Ghazipur
2. Heard learned Counsel for the appellants-applicant as well as the learned AGA for the State.
3. By means of the bail application, the appellants-applicants no. 1 & 2 seek suspension of sentence and grant of bail.
4. Vide order dated 01.05.2024, the applicant no.3 namely Smt. Binda Devi has been released on bail by the co-ordinate Bench of this Court.
5. It has been submitted by learned counsel for the appellants-applicants no.1 & 2 that the appellants-applicants no.1 & 2 are innocent and have been falsely implicated. It has been further submitted that the conviction and sentence imposed by the learned trial court is against the weight of evidence on record. The trial court has misread the evidence on record and convicted the appellants-applicants no.1 & 2. The prosecution has not been able to prove its case beyond reasonable doubt. It has further been submitted that the applicant no.2 is aged about 72 years old. It has further been submitted that the injury of Dinesh was not inflicted by the appellants-applicants no.1

& 2, but during the time when the parties were being separated, Dinesh being inebriated, lost his balance and fell on a sharp object and the injury was due to his fall on the said sharp object. It has further been submitted that the appellants-applicants no.1 & 2 are languishing in jail since 21.11.2023 . It has been further submitted that the appellants-applicants no.1 & 2 were on bail during trial and has not misused the liberty of bail. Since there is no likelihood of early hearing of the appeal in near future, the appellants-applicants no.1 & 2 may be released on bail during the pendency of this appeal. Besides the above submissions, learned counsel for the appellants-applicants no.1 & 2 has also tried to touch upon at length the circumstances which led to the false implication of accused - appellants-applicants no.1 & 2.

6. On the other hand, learned AGA vehemently opposed the bail application.

7. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record including the impugned judgment.

8. Having regard to the facts and circumstances of the case, sentence awarded to the appellants-applicants no.1 & 2, the evidence available on record and the findings recorded by the trial court thereon, and the fact that the appeal may take some time for its final disposal, without further commenting on the merits of the case, I am inclined to release the applicant no.2 on bail.

9. Let the above named **accused-applicant no.2 - Smt. Shakuntala Devi** be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with subject to the condition below:-

(i) The applicant no.2 shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The applicant no.2 shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iii) The applicant no.2 shall deposit the entire amount of fine imposed against him by the learned trial court, if not deposited, within a period of four weeks from the date they are released on bail under this order

10. The sentence awarded to applicant no.2 shall also remain suspended during the pendency of this appeal.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. It is made clear that this Court has, however, not made any observation on the merits of the appeal.

13. A copy of the personal bond and surety bonds shall be transmitted to this Court by the court below for being kept on record of this appeal.

14. Office is directed to send a copy of this order to the Court concerned through email/fax immediately for necessary compliance.

15. So far as the suspension of sentence/bail application with respect to applicant no.1 is concerned, the same shall remain pending.

Order on appeal

16. Perusal of the office report shows that the lower court record has been received.

17. List this appeal in due course.

February 5, 2026
Pravesh Mishra

(Mrs. Vani Ranjan Agrawal,J.)