



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5274 of 2025

Chandrasen Alias Shekhar

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Deepak Singh, Diksha Duggal
Counsel for Respondent(s)	:	G.A.

Court No. - 42

**HON'BLE SIDDHARTHA VARMA, J.
HON'BLE PRASHANT MISHRA-I, J.**

Criminal Misc. Bail Application (Suspension of Sentence) No. 1 of 2025

1. Counter affidavit filed today be kept on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The instant application has been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Session Trial No. 1136 of 2008 (State versus Chandrasen @ Shekhar) arising out of Case Crime No. 1103 of 2005, under Section 302 of I.P.C., Police Station - Cantt., District - Bareilly.
4. Contention of the learned counsel for the applicant is that the applicant is innocent and has been falsely implicated. It has been submitted by the learned counsel for the applicant that the conviction has been done on the basis of testimony of a single witness. It has not been corroborated by any statement of any other witness and in fact the statements of other witnesses have been disbelieved. Learned counsel for the applicant submits that the applicant was on bail during trial and he never misused the liberty of bail. It has further been argued that the deceased was alive for a good period of 17 days but no dying declaration was recorded and also the first information report was a belated first information report as the incident had occurred on 17.10.2005 and the first information report was lodged on 31.10.2005.
5. In rebuttal, learned A.G.A. has opposed the bail application but could not

deny the fact that during trial the applicant has never misused the liberty of bail and the conviction has been done on the basis of testimony of single witness.

6. We have perused the judgment of the court below with the assistance of the learned counsel for the parties. Considering that the applicant has never misused the liberty of bail during trial and the conviction has been done on the basis of single witness and also the deceased was alive for a good period of 17 days but no dying declaration was recorded, we are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicant and he be enlarged on bail.

7. Consequently, the prayer for bail is granted. The bail application is **allowed**.

8. Without expressing any opinion on the merit of the case, let the applicant- **Chandrasen @ Shekhar** convicted and sentenced in the aforesaid case, be released on bail on their furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

9. The realization of fine shall remain stayed till the decision of the appeal.

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

11. Office to inform the concerned Jail Superintendent through Chief Judicial Magistrate concerned to ensure compliance of the order.

Order on Appeal

12. Order sheet indicates that Trial Court Record has been received.

13. Office to prepare paper book. Learned counsel for the parties may obtain their copies of the paper book from the office.

14. List this appeal on 24.08.2026 for final hearing.

(Prashant Mishra-I,J.) (Siddhartha Varma,J.)

March 17, 2026

M.S. Ansari