



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5532 of 2024

Durgesh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Nitin Saxena, Akhilendra Singh, Akhilesh Kumar Pandey, Virendra Kumar Srivastava
Counsel for Respondent(s)	: Ajay Dubey, 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 23.05.2024 passed by the learned Court of Additional District and Sessions Judge, Court No.6, Agra in Session Trial No.1516 of 2022, arising out of case crime no.135 of 2021, under Section 307 I.P.C. and in S.T. No.1517 of 2022 (State Vs. Durgesh) arising out of case crime no.136 of 2021, under Section 25 Arms Act, P.S. Shamshabad , District- Agra .
2. Heard Sri Akhilesh Kumar Pandey, learned Counsel for the appellant-applicant, Sri Ram Milan Dubey holding brief of Sri Ajay Dubey, learned counsel for informant as well as the learned AGA for the State.
3. By means of the bail application, the appellant-applicant seeks suspension of sentence and grant of bail.
4. It has been submitted by learned counsel for the appellant-applicant that the appellant is innocent and has 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 appellant. The prosecution has not been able to prove its case beyond reasonable doubt. It has further been submitted that there is single injury. More than two years in jail. No injury

found on vital part. Injuries not opined to be grievous in nature and dangerous to life. It has further been submitted that the appellant has no criminal history to his credit. It has further been submitted that the applicant is languishing in jail since 23.05.2024. It has been further submitted that the appellant was 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 appellant may be released on bail during the pendency of this appeal. Besides the above submissions, learned counsel for the appellant has also tried to touch upon at length the circumstances which led to the false implication of accused - appellant.

5. On the other hand, learned AGA and learned counsel for the first informant vehemently opposed the bail application.

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

7. Having regard to the facts and circumstances of the case, sentence awarded to the appellant, 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 appellant on bail.

8. Let the above named accused-appellant-**Durgesh** 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 appellant/applicant shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iii) The appellant/applicant 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 he/she is released on bail under this order, this bail order automatically stands cancelled.

9. The sentence awarded to applicant-appellant shall also remain suspended during the pendency of this appeal.

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

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

12. 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.

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

Order on appeal

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

15. List this appeal in due course.

16. In the meantime, let the paper-book be prepared by the office.

(Mrs. Vani Ranjan Agrawal,J.)

April 22, 2026
SFH