



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7363 of 2024

Wasim

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Ankit Agarwal, Ram Raj Pandey, Shubham Pandey
Counsel for Respondent(s)	:	G.A.

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

Order on Bail/Suspension of Sentence Application u/s 389(1) Cr.P.C

1. Heard Sri Ram Raj Pandey, learned counsel for appellant/applicant and Sri Rahul Asthana, learned AGA for State.
2. This Criminal appeal under Section 374 (2) of the Criminal Procedure Code has been preferred against the order dated 5.6.2024, passed by learned Additional Sessions Judge, Court No.2, Bulandshahar in Sessions Trial No.491 of 2017 (State vs. Imran alias Shaktiman and another) arising out of Case Crime No.477 of 2017, under Sections 307/34, 504 and 504 I.P.C., Police Station- Khurja Nagar, District- Bulandshahar and Sessions Trial No.492 of 2018 arising out of Case Crime No.515 of 2017 (State vs. Imran alias Shaktiman and another), under Sections 4/25 Arms Act, Police Station Khurja Nagar, District Bulandshahar.
3. By means of this 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 is further submitted that there is material contradiction with regard to place of incident as per the statement of the informant and site plan, which shows that the incident has

not taken place in the manner as stated by the prosecution. It is further submitted that as per prosecution case two injuries were sustained by the injured and both the injuries were kept under observation and x-ray was advised, but there is no supplementary report on record to show that the said injuries were grievous in nature. It is further submitted that nothing has been recovered from the possession of the appellant. It is further submitted that even if the prosecution case is believed then also the case would not travel beyond Section 324 I.P.C.. It is further submitted that the appellant has no criminal history to his credit. The appellant is in jail since 4.6.2026. Since there is no likelihood of early hearing of the appeal in near future, the appellant may be released on bail pending 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 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 considering the period of incarceration of the appellant, without further commenting on the merits of the case, I am inclined to release the appellant on bail.

8. Let the applicant/appellant namely **Wasim** be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the following conditions :-

(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 vide impugned judgment and order dated 5.6.2024 passed by the learned trial Court within a period of four weeks from the date he is released

on bail under this order.

9. In case of breach of any of the above conditions, the bail granted to applicant-appellant under this order shall stand automatically cancelled and he shall be taken into custody at once to serve out the sentence awarded by trial Court.

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

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

Order on Appeal

12. Office report dated 12.1.2024 shows that the trial Court record has been received.

13. List this appeal for hearing in due course.

February 17, 2026
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(Mrs. Vani Ranjan Agrawal,J.)